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Ministry of the
Attorney
General

**Public Trustee
Financial Statements
and
Report on the Audit**

Year ended March 31st, 1981

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**THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO**

**Financial Statements and
Report on the Audit
Year ended March 31, 1981**





Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

145 Queen Street West
Toronto, Ontario
M5H 2N8

416/362-1331

SIXTY-FIRST ANNUAL REPORT OF THE PUBLIC TRUSTEE 1980-81

Since the office of the Public Trustee was established more than sixty years ago, many changes have taken place in the social and financial lives of that part of the population who are served by the Public Trustee and it has become increasingly obvious that a review of the role of the office has been required to determine if the office is meeting satisfactorily those social and financial changes.

In the mental health field the increase in life span, combined with the greater percentage of elderly among the total population, indicates that there is increased need for the services of the Public Trustee not only in the management of elderly individuals but often in many cases to make decisions with respect to the person.

The complexities of estate accounting leads to more judges seeking the assistance of the Public Trustee even when a private committee has been appointed to look after the financial affairs of an incompetent.

The volatile money market means that the Public Trustee must in the interest of patients, respond as quickly as possible to the market in order that the best income return can be obtained for the patients. To achieve the best return, funds are now being invested in most cases directly on behalf of the patient rather than in bulk. At the same time bulk funds are deposited in short term high interest securities rather than in longer term issues.

In the administration of the estates of deceased persons, the increased mobility of the population means that beneficiaries may have to be sought around the world and the laws and tax provisions of a number of countries or jurisdictions may need consideration.

In the charities field the high cost of litigation in determining the rights of charities may warrant some speedier, less formal and less expensive resolution of issues.

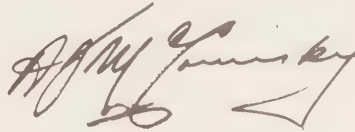
I am glad to say that a committee under the chairmanship of Mr. H. Allan Leal, Q.C., Deputy Attorney General, has been conducting a study in depth of the role of the office of the Public Trustee which, it is hoped, will result in decisions made and, if necessary, legislation enacted that will enable the Public Trustee to more satisfactorily perform the duties assigned to him.

The office of the Public Trustee is financially a self-sustaining office which pays all of its expenses from income earned. What is not obtained from fees and compensation flows from investment income. The financial statements for the fiscal year ending March 31, 1981 established that from a financial aspect the year was most satisfactory with not only all expenses being paid but profit earned. It should be noted, however, that in recent years much of the earned surplus is attributable to the fact that data processing has enabled us to take into income accrued committee's compensation. This source of income will level out over the next five years.

The statements also show that although the number of estates and value of assets under our administration have increased, we have attempted to perform our task with a reduced number of staff. In specific areas the volume of business has produced unmanageable work loads and these necessitate correction or relief.

I am grateful for the continuing support and interest of the representatives of the Ministry of the Attorney General, the Advisory Committee appointed pursuant to The Public Trustee Act and most of all for the conscientious effort of the Management Committee and staff of the office of the Public Trustee.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'A.J. McComiskey', with a stylized flourish at the end.

A.J. McComiskey,
Public Trustee.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO
BALANCE SHEET AS AT MARCH 31, 1981

	<u>ASSETS</u>	<u>1981</u>	<u>1980</u>
ESTATES AND TRUSTS			
Cash in bank		\$ 124,189	\$ 89,514
Funds invested (schedule A) note 1a)		87,745,770	90,140,000
Bonds (note 1b)		67,629,785	51,836,275
Stocks (note 1b)		5,564,844	5,375,292
Mortgages receivable		3,638,494	2,648,425
Real estate (note 1c)		26,525,308	27,055,523
Pensions and life insurance (notes 1d, 1e)		32,789,966	27,557,055
Miscellaneous		3,634,873	3,386,490
		227,653,229	208,088,574
Deduct mortgages payable		893,752	1,099,170
		226,759,477	206,989,404
 ADMINISTRATION FUND ACCOUNT			
Cash in bank		58,660	44,073
Funds invested (schedule A) (note 1a)		14,980,000	12,230,000
		15,038,660	12,274,073
		\$241,798,137	\$219,263,477
 LIABILITIES			
ESTATES AND TRUSTS			
Patients' estates		\$172,506,133	\$157,596,265
Crown estates		15,831,188	14,162,004
Deceased persons' estates		3,801,484	3,562,848
Probable escheats		8,250,500	8,693,677
Special trusts and charities		15,033,785	13,002,506
Corporate estates		5,243,075	4,164,751
Crown companies		363,293	321,604
Indian trusts		183,907	178,101
Unclaimed balances		371,950	357,744
Cemetery trusts		5,111,431	4,883,075
Child welfare trusts		62,731	66,829
		226,759,477	206,989,404
 ADMINISTRATION FUND ACCOUNT			
Current liabilities		244,476	208,280
Assurance fund		200,000	200,000
Surplus		14,594,184	11,865,793
		15,038,660	12,274,073
		\$241,798,137	\$219,263,477

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURES

YEAR ENDED MARCH 31, 1981

	<u>1981</u>	<u>1980</u>
Revenue		
Fees		
Patients' estates	\$ 2,063,684	\$ 1,499,881
Crown estates (note 2)	501,367	737,033
Special trusts (note 2)	179,909	135,202
Corporate estates	5,590	7,866
Cemetery trusts	21,512	18,405
Charities	34,079	52,537
	<hr/>	<hr/>
	2,806,141	2,450,924
Bank interest	15,771	12,074
Income from funds invested, net (schedule B)	<hr/>	<hr/>
	3,936,538	3,932,659
	<hr/>	<hr/>
	6,758,450	6,395,657
Deduct debit balances written off	733	986
	<hr/>	<hr/>
	6,757,717	6,394,671
	<hr/>	<hr/>
Expenditures		
Salaries	2,866,138	2,575,781
Employee benefits	431,535	385,584
Transportation and communication	96,489	82,958
Services	520,318	482,903
Supplies and equipment	114,846	87,806
	<hr/>	<hr/>
	4,029,326	3,615,032
	<hr/>	<hr/>
EXCESS OF REVENUE OVER EXPENDITURES	\$ 2,728,391	\$ 2,779,639
	<hr/>	<hr/>

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1981

	<u>1981</u>	<u>1980</u>
BALANCE AT BEGINNING OF YEAR	\$11,865,793	\$ 9,086,154
Excess of revenue over expenditures	<hr/>	<hr/>
	2,728,391	2,779,639
	<hr/>	<hr/>
BALANCE AT END OF YEAR	\$14,594,184	\$11,865,793
	<hr/>	<hr/>

See accompanying note to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1981

SCHEDULE A

	<u>1981</u>	<u>1980</u>
Bank term deposits	\$11,818,690	\$ 11,450,000
Bonds (schedule C)	88,625,520	88,614,278
Accrued interest	2,190,678	2,205,939
Cash in bank	90,882	99,783
	<u>\$102,725,770</u>	<u>\$102,370,000</u>
Allocated as follows:		
Estates and trusts	\$ 87,745,770	\$ 90,140,000
Administration fund account	14,980,000	12,230,000
	<u>\$102,725,770</u>	<u>\$102,370,000</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1981

SCHEDULE B

	<u>1981</u>	<u>1980</u>
Interest earned on investments	\$ 9,583,453	\$ 9,170,000
Interest earned on bank accounts	221,782	132,539
	9,805,235	9,302,539
Deduct interest allowed	5,868,697	5,369,880
Income from funds invested, net	<u>\$ 3,936,538</u>	<u>3,932,659</u>

DETAILS OF BONDS

AS AT MARCH 31, 1981

SCHEDULE C

	<u>Par value</u>	<u>Amortized Cost</u>
Province of Ontario	\$13,450,000	\$13,434,232
Ontario Hydro	75,687,000	75,191,288
	<u>\$89,137,000</u>	<u>\$ 88,625,520</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 1981

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Funds invested

Funds are invested in income producing securities and are normally held until their maturity. Such securities are traded only if any resultant loss on sale can be recovered through investment in replacement securities prior to the maturity date of the securities being traded. Accordingly, the securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase.

(b) Stocks and bonds of estates and trusts

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over of the Estates and Trusts. This valuation is determined by the Public Trustee's security department. The bonds of Cemetery Trusts are valued at par.

(c) Real estate

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic subsequent adjustments.

(d) Pensions

Pensions are recorded at the estimated annual amount receivable by the trusts.

(e) Life insurance

Life insurance is recorded at its cash surrender value at the time of taking over of the Estates and Trusts.

(f) Fixed assets

Fixed assets are recorded as expenditures when purchased.

2. FEES

Fees from Crown Estates for 1981 are comprised of the following:

Crown estates	\$383,835
Deceased persons' estates	44,103
Probable escheats	73,429
	<u>\$501,367</u>

Fees from Special Trusts for 1981 are comprised of the following:

Crown companies	\$ 31,534
Special trusts	148,375
	<u>\$179,909</u>

No separate comparative figures are available for 1980.

3. COMPARATIVE FIGURES

Comparative figures have been restated where necessary to conform with 1981 presentation.



Office of
Provincial
Auditor

416/965-1381

Parliament Buildings
Queen's Park
Toronto, Ontario
M7A 1A2

To the Public Trustee of the Province of Ontario and to the Attorney General

I have examined the balance sheet of The Public Trustee of the Province of Ontario as at March 31, 1981 and the statements of revenue and expenditures and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of The Public Trustee of the Province of Ontario as at March 31, 1981 and the results of its operations for the year then ended in accordance with the accounting policies described in note 1 to the financial statements, applied on a basis consistent with that of the preceding year.

A report on the audit has been made to the Public Trustee and to the Attorney General.

A handwritten signature in dark ink, appearing to read "F.N. Scott".

Toronto, Ontario,
August 5, 1981.

F.N. Scott, F.C.A.,
Provincial Auditor.

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1981</u>	<u>1980</u>
Assets under Administration	\$241,798,137	\$219,263,477
Revenue	6,757,717	6,394,671
Operating Expenses	4,029,326	3,615,032
Excess of Revenue over Expenditure	2,728,391	2,779,639
Surplus	14,594,184	11,865,793
Cash Receipts	78,103,365	61,303,420
Public Trustee Investments at Book Value	100,444,210	100,064,278
No. of Files — Estates and Trusts	26,112	27,554
No. of Files — Charities	32,376	30,652
No. of Staff	151	155

STATUTES AFFECTING THE PUBLIC TRUSTEE

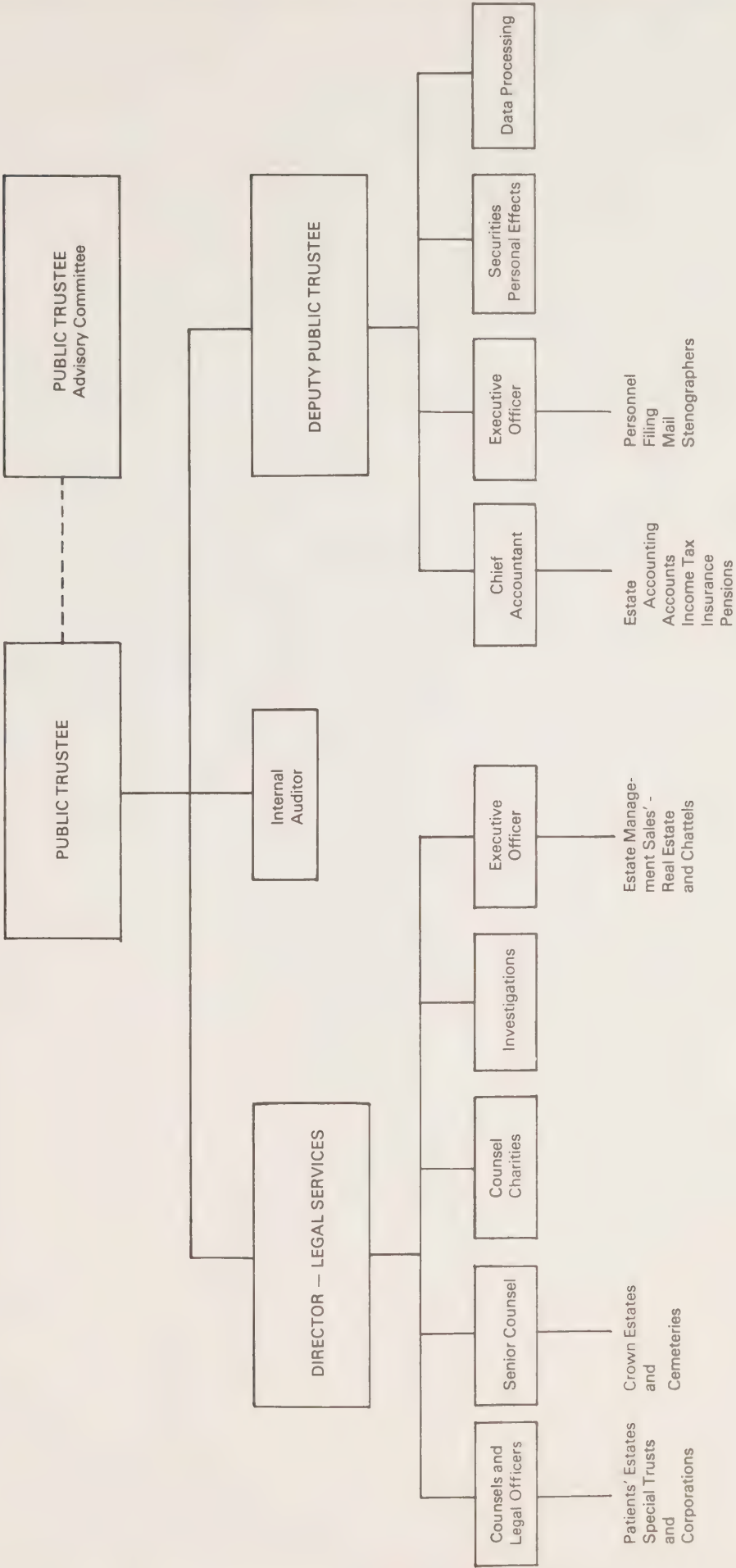
Ontario

Absentees Act — R.S.O. 1970, c.3.
Business Corporations Act — R.S.O. 1970, c.53, as amended.
Cemeteries Act — R.S.O. 1970, c.57.
Charitable Gifts Act — R.S.O. 1970, c.61, as amended.
Charities Accounting Act — R.S.O. 1970, c.63, as amended.
Child Welfare Act — R.S.O. 1970, c.64 (Repealed by S.O. 1978, c.85, c.96)
Compensation for Victims of Crime Act — S.O. 1971, c.51, as amended.
Corporations Act — R.S.O. 1970, c.298, as amended.
Crown Administration of Estates Act — R.S.O. 1970, c.99.
Developmental Services Act — S.O. 1974, c.2.
Devolution of Estates Act — R.S.O. 1970, c.129, as amended.
Escheats Act — R.S.O. 1970, c.149.
Family Law Reform Act — S.O. 1978, c.2.
Homes for Special Care Act — R.S.O. 1970, c.205.
Judicature Act Regulations — R.S.O. 1970, c.228, Consolidated Rules of Practice.
Mental Health Act — R.S.O. 1970, c.269, as amended.
Mental Hospitals Act — R.S.O. 1970, c.270, as amended.
Mental Incompetency Act — R.S.O. 1970, c.271.
Mortmain and Charitable Uses Act — R.S.O. 1970, c.280, as amended.
Municipal Affairs Act — R.S.O. 1970, c. 118, as amended.
Powers of Attorney Act — S.O. 1979, c.107.
Public Trustee Act — R.S.O. 1970, c.389, as amended.
Succession Law Reform Act — S.O. 1977, c.40
Surrogate Courts Act — R.S.O. 1970, c.451, as amended.
Trustee Act — R.S.O. 1970, c.470, as amended.
Workmen's Compensation Act — R.S.O. 1970, c.505, as amended.

By Consent We Accept Trusts from Federal Authorities

- Under: 1. Department of Veterans Affairs Act — R.S.C. 1970, c. V-1.
2. Indian Act — R.S.C. 1970, c. 1-6, as amended.

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



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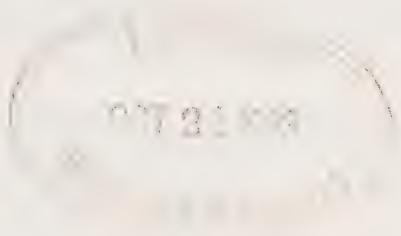
Ministry of the
Attorney
General

**Public Trustee
Financial Statements
and
Report on the Audit
Year ended March 31st, 1982**

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**THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO**

**Financial Statements and
Report on the Audit
Year ended March 31, 1982**





Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SIXTY-SECOND ANNUAL REPORT OF THE PUBLIC TRUSTEE 1981-82

Financial reports or statistical analyses do not necessarily establish if any organization is performing its duties well, but they do help measure the effectiveness of the job being done.

The financial information in the following pages discloses that the office of the Public Trustee is managing assets of ever increasing value now amounting to approximately 270 million dollars, has earned total revenue for the year just short of 15 million dollars, and after having paid all expenses has a net income in excess of 4.5 million dollars.

During the past year the Public Trustee has endeavoured to maximize the interest payable to the estates which it manages through substantial investment in the short term money market and by investment of funds on behalf of individual estates in Canada Savings Bonds, Guaranteed Investment Certificates and Bank Deposit Receipts. This has benefited the individual estate but has substantially increased the volume of paperwork in our Securities Section. The continuation of that investment programme is warranted because of the increased return to the individual estate and because the revenue earned by the office certainly permits it.

Increasing use of the Data Processing System, which has now been in effect for more than three years, changes in the investment programme and amendments to the duties of the office as a result of legislative changes are likely to require some amendment to the office organization.

The proposed repeal of the Mortmain and Charitable Uses Act will likely reduce the number of applications made to the Public Trustee for consent to Court Orders or for the granting of Quit Claim Deeds. Hopefully this will enable us to devote more time to the supervision of charities under The Charitable Gifts Act and The Charities Accounting Act.

In the mental health field the Public Trustee is receiving an increasing number of requests for assistance in the following areas:

- (a) Appointments as a guardian of the person for the express purpose of giving consent to elective surgery;

-
- (b) Review of the accounts of private committees under The Mental Incompetency Act at the request of County Court judges;
 - (c) Representation of a spouse in wardship, custody, divorce or Family Law Reform Act applications;
 - (d) Applications as committee of the estate of elderly individuals who are not in a psychiatric facility but who are living in the community or resident in a nursing home, home for the aged or chronic care hospital.

Many of these issues are receiving the further study and consideration of the authorities in the Ministries of Health, Community and Social Services and the Attorney General, and particularly through the meetings of the Interministerial Committee of these three Ministries under the chairmanship of Mr. Gilbert Sharpe.

During the past year Alzheimer patients and their families through the National Alzheimer Society and its local Chapters have been particularly vociferous in stating the view that The Powers of Attorney Act as amended in 1979 still results in what they see as an unwarranted interference by bureaucracy in what is essentially a family problem. In seeking a solution to the problem one must remember, however, that not every Alzheimer patient enjoys the concern and attention of caring friends and relatives, and frequently the Alzheimer patient is vulnerable to those who would take advantage.

Members of the Management Committee of the office of the Public Trustee have to be concerned about staff absenteeism. During the past year the average number of days that an employee was away because of claimed illness was in excess of 12. Each day on an average, 5 per cent of the staff have been away because of illness. We are struggling to find some solution to this problem within the terms of the requirements of the Collective Agreement which is applicable.

Although we have faced a number of small pockets of particular problems, I am convinced that the office of the Public Trustee has performed its duties in the past fiscal year not only profitably but with a high degree of service to the public. That has only been possible with the co-operation of the officials of the Ministry of the Attorney General, the efforts of the staff and the assistance of the medical profession, social workers and especially the families of patients whose estates the Public Trustee administers.

Respectfully submitted,



A.J. McComiskey,
Public Trustee.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1982

	ASSETS	1982	1981
ESTATES AND TRUSTS			
Cash in bank		\$ 58,750	\$ 124,189
Funds invested (schedule A)		87,945,770	87,745,770
Bonds		85,752,666	67,629,785
Stocks		5,956,273	5,564,844
Mortgages receivable		4,108,571	3,638,494
Real estate		28,611,940	26,525,308
Pensions and life insurance		37,612,713	32,789,966
Miscellaneous		3,015,163	3,634,873
		<u>253,061,846</u>	<u>227,653,229</u>
Deduct mortgages payable		<u>893,329</u>	<u>893,752</u>
		<u>252,168,517</u>	<u>226,759,477</u>
ADMINISTRATION FUND ACCOUNT (note 2)			
Cash in bank		68,765	58,660
Funds invested (schedule A)		19,865,000	14,980,000
		<u>19,933,765</u>	<u>15,038,660</u>
		<u>\$272,102,282</u>	<u>\$241,798,137</u>
LIABILITIES			
ESTATES AND TRUSTS			
Patients' estates		\$194,702,482	\$172,506,133
Crown estates		16,918,983	15,831,188
Deceased persons' estates		5,065,809	3,801,484
Probable escheats		7,743,761	8,250,500
Special trusts and charities		16,280,772	15,033,785
Corporate estates		5,192,858	5,243,075
Crown companies		583,527	363,293
Indian trusts		185,589	183,907
Unclaimed balances		391,042	371,950
Cemetery trusts		5,038,843	5,111,431
Child welfare trusts		64,851	62,731
		<u>252,168,517</u>	<u>226,759,477</u>
ADMINISTRATION FUND ACCOUNT (note 2)			
Current liabilities		505,698	244,476
Assurance fund (note 3)		200,000	200,000
Surplus		19,228,067	14,594,184
		<u>19,933,765</u>	<u>15,038,660</u>
		<u>\$272,102,282</u>	<u>\$241,798,137</u>

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURES

YEAR ENDED MARCH 31, 1982

Revenue	<u>1982</u>	<u>1981</u>
Fees collected		
Patients' estates	\$ 3,251,958	\$ 2,062,951
Crown estates	492,021	383,835
Deceased persons' estates	112,592	44,103
Probable escheats	97,646	73,429
Crown companies	19,368	31,534
Special trusts	162,571	148,375
Corporate estates	14,304	5,590
Cemetery trusts	22,200	21,512
Charities	50,776	34,079
	<u>4,223,436</u>	<u>2,805,408</u>
Bank interest	6,627	15,771
Income from funds invested, net (schedule B)	<u>4,926,690</u>	<u>3,936,538</u>
	<u>9,156,753</u>	<u>6,757,717</u>
 Expenditures		
Salaries	3,181,875	2,866,138
Employee benefits	496,177	431,535
Transportation and communication	104,333	96,489
Services	629,395	520,318
Supplies and equipment	111,090	114,846
	<u>4,522,870</u>	<u>4,029,326</u>
 EXCESS OF REVENUE OVER EXPENDITURES	<u>\$ 4,633,883</u>	<u>\$ 2,728,391</u>

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1982

	<u>1982</u>	<u>1981</u>
BALANCE AT BEGINNING OF YEAR	\$14,594,184	\$11,865,793
Excess of revenue over expenditures	<u>4,633,883</u>	<u>2,728,391</u>
BALANCE AT END OF YEAR	<u>\$19,228,067</u>	<u>\$14,594,184</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1982

SCHEDULE A

	<u>1982</u>	<u>1981</u>
Bank term deposits	\$ 16,700,000	\$ 11,818,690
Bonds (schedule C)	88,637,762	88,625,520
Accrued interest	2,416,373	2,190,678
Cash in bank	56,635	90,882
	<u>\$107,810,770</u>	<u>\$102,725,770</u>
 Allocated as follows:		
Estates and trusts	\$ 87,945,770	\$ 87,745,770
Administration fund account (note 2)	19,865,000	14,980,000
	<u>\$107,810,770</u>	<u>\$102,725,770</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1982

SCHEDULE B

	<u>1982</u>	<u>1981</u>
Interest earned on investments	\$ 10,494,887	\$ 9,583,453
Interest earned on bank accounts	236,326	221,782
	10,731,213	9,805,235
Deduct interest allowed	5,804,523	5,868,697
Income from funds invested, net	<u>\$ 4,926,690</u>	<u>\$ 3,936,538</u>

DETAILS OF BONDS

AS AT MARCH 31, 1982

SCHEDULE C

	<u>Par value</u>	<u>Amortized cost</u>
Province of Ontario	\$ 13,450,000	\$ 13,435,820
Ontario Hydro	75,687,000	75,201,942
	<u>\$ 89,137,000</u>	<u>\$ 88,637,762</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 1982

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Funds invested

Funds are invested in income producing securities and are normally held until their maturity. Such securities are traded only if any resultant loss on sale can be recovered through investment in replacement securities prior to the maturity date of the securities being traded. Accordingly, the securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase. Interest income is recorded on an accrual basis.

(b) Stocks and bonds of estates and trusts

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over of the Estates and Trusts. This valuation is determined by the Public Trustee's security department. The bonds of Cemetery Trusts are valued at par.

(c) Real estate

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic subsequent adjustments.

(d) Pensions

Pensions are recorded at the estimated annual amount receivable by the trusts.

(e) Life insurance

Life insurance is recorded at its cash surrender value at the time of taking over of the Estates and Trusts.

(f) Fixed assets

Fixed assets are recorded as expenditures when purchased.

2. ADMINISTRATION FUND ACCOUNT

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of estate and trust accounts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the Estate and Trust Funds in accordance with regulations under the Act.

All operating expenses of the office of the Public Trustee are paid from the Administration Fund.

The Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund. The most recent such direction was made by Order in Council dated September 6, 1972 whereunder \$8,500,000 was paid out of the Administration Fund into the Consolidated Revenue Fund of the Province.

3. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund be established to meet losses for which the office of the Public Trustee might become liable. At the direction of the Advisory Committee, transfers from the Administration Fund in the amounts of \$25,000 and \$175,000 were made in September 1942 and March 1957, respectively. A resolution of the Advisory Committee on September 25, 1974 recommended the continuance of this Fund in the amount of \$200,000.

4. COMPARATIVE FIGURES

Comparative figures have been reclassified where necessary to conform with 1982 presentation.



Office of the
Provincial
Auditor

Parliament Buildings
Queen's Park
Toronto, Ontario
M7A 1A2
416/965-1381

To the Public Trustee of the Province of Ontario and to the Attorney General

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1982 and the statements of revenue and expenditures and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1982 and the results of operations for the year then ended in accordance with the accounting policies described in note 1 to the financial statements, applied on a basis consistent with that of the preceding year.

A report on the audit has been made to the Public Trustee and to the Attorney General.

Toronto, Ontario,
June 23, 1982.

D.F. Archer, F.C.A.,
Provincial Auditor.

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1982</u>	<u>1981</u>
Assets under Administration	\$ 272,102,282	\$ 241,798,137
Revenue	9,157,153	6,757,717
Operating Expenses	4,521,295	4,029,326
Excess of Revenue over Expenditure	4,633,883	2,728,391
Surplus	19,228,067	14,594,184
Cash Receipts	82,636,399	78,103,365
Public Trustee Investments at Book Value	105,337,762	100,444,210
No. of Files — Estates and Trusts	26,267	26,112
No. of Files — Charities	34,126	32,376
No. of Staff — Permanent	151	151
Contract	1	0

STATUTES AFFECTING THE PUBLIC TRUSTEE

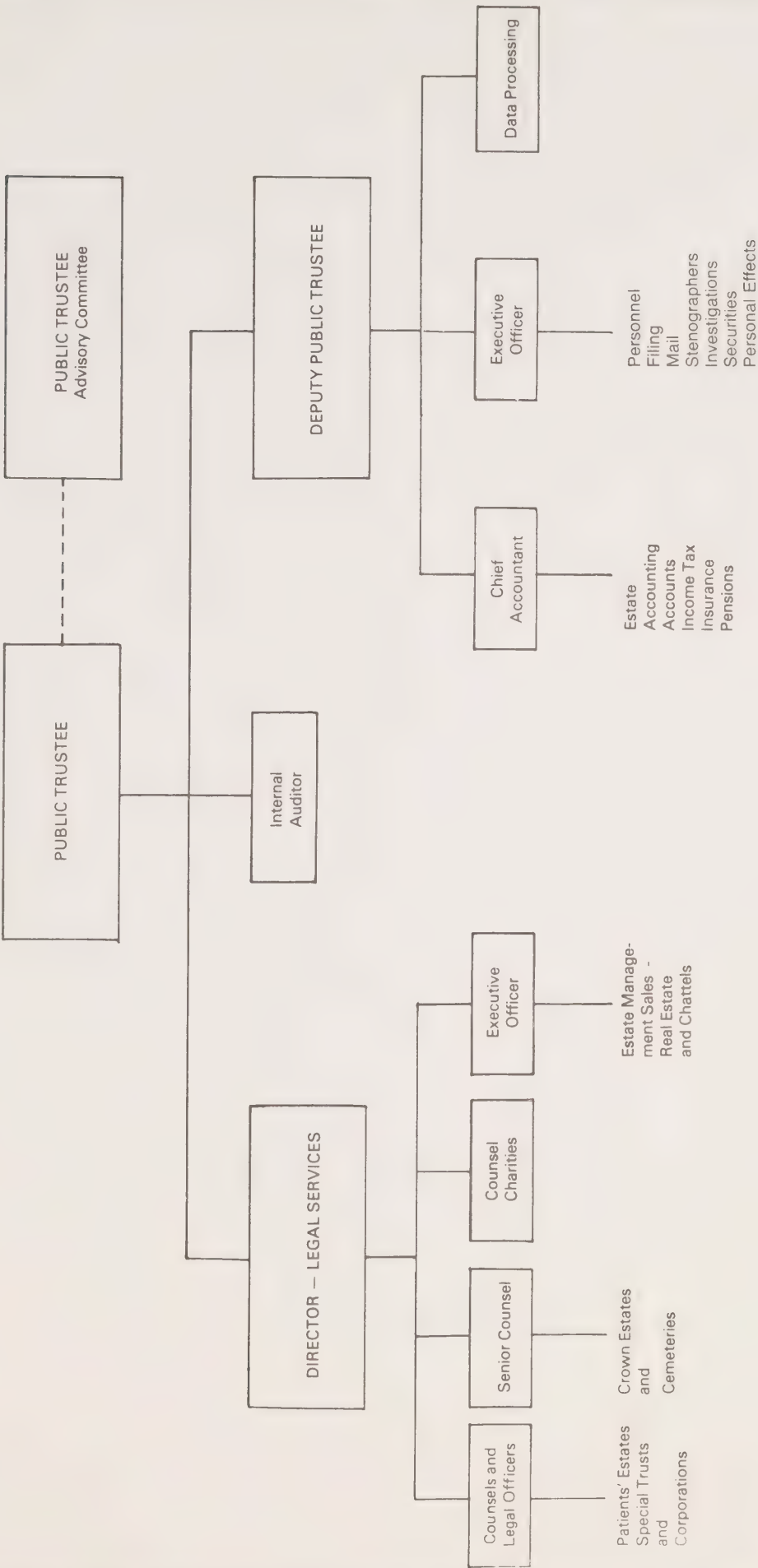
Ontario

Absentees Act — R.S.O. 1980, c.3
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Corporations Act — R.S.O. 1980, c.95
Crown Administration of Estates Act — R.S.O. 1980, c.105
Development Services Act — R.S.O. 1980, c.118
Escheats Act — R.S.O. 1980, c.142
Estates Administration Act — R.S.O. 1980, c.143
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Family Law Reform Act — R.S.O. 1980, c.152
Homes for Special Care Act — R.S.O. 1980, c.202
Judicature Act — R.S.O. 1980, c.223 and Consolidated Rules of Practice
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Mental Incompetency Act — R.S.O. 1980, c.264
Mortmain and Charitable Uses Act — R.S.O. 1980, c.267
Municipal Affairs Act — R.S.O. 1980, c.303
Powers of Attorney Act — R.S.O. 1980, c.386
Public Trustee Act — R.S.O. 1980, c.422
Succession Law Reform Act — R.S.O. 1980, c.488
Surrogate Courts Act — R.S.O. 1980, c.491
Trustee Act — R.S.O. 1980, c.512
Workmen's Compensation Act — R.S.O. 1980, c.539

BY CONSENT WE ACCEPT TRUSTS FROM FEDERAL AUTHORITIES

Under: 1. Department of Veterans Affairs Act - R.S.O. 1970, c.V-1
2. Indian Act - R.S.O. 1970, c.1-6, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



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Ministry of the
Attorney
General

Public Trustee
Financial Statements
and
Report on the Audit
Year ended March 31st, 1983

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**THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO**
**Financial Statements and
Report on the Audit
Year ended March 31, 1983**



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SIXTY-THIRD ANNUAL REPORT OF THE PUBLIC TRUSTEE 1982-83

The fiscal year ending March 31, 1983 was one of continuing increase in the number and value of estates administered, income received and profit earned for the Office of the Public Trustee.

In the hope of giving the public an understanding of the duties performed by the Office of the Public Trustee, a modest public relations campaign is being carried out through meetings with social workers, administrators and medical staff of the psychiatric facilities by presentations to mental health organizations and to groups of the legal and medical professions and by articles in newspapers and magazines.

In the charities field, there is still much ambiguity and uncertainty, notwithstanding the repeal of the Mortmain and Charitable Uses Act. In the restricted economy, charitable organizations may, of necessity, have to seek more assistance from volunteers and are encouraged to earn income with a view of being, at least partially, self-sustaining. Unfortunately, those very efforts may bring the charitable organizations into conflict with the enactments with one or other of the levels of government. It would be helpful to all who work in the field if there were some policy guidelines available.

There remains a gap in the law of this Province with respect to the issue of consent to medical treatment and, particularly, elective surgery for patients who, themselves, are incapable of giving an informed consent but who have no spouse, parent, child or other next of kin, who is enabled to give the required consent under existing legislation.

With the employment situation as it is, turnover of staff has diminished which, basically, should be advantageous. Unfortunately, employees who consider their present positions boring or uninteresting and who see little opportunity to advance either in remuneration or challenge, become discontent. As a corollary to this problem we are concerned about the lack of attendance due to alleged illness. More than 50 per cent of our staff have been away more than six days in the year. Frequent absence of some employees puts an unfair workload on those who are punctual and regular in their attendance without any corresponding reward.

Falling interest rates require careful consideration of the types of investments made and the term of the investment. Opinions of economic advisors differ as to what we can expect in the future. It is essential that the Public Trustee be able to respond quickly to the fluctuating financial pattern so that investments can be made wisely, and at the same time, that the interest paid by the Public Trustee on funds under his control accurately reflects the yield to the Public Trustee.

It is also desirable, in the existing economic climate, that investment expertise be quickly and directly available to the Public Trustee and/or the Advisory Committee to whom the Public Trustee resorts for investment advice.

While the past fiscal year has not been without some difficulties, the financial report reflects the success that we have had in performing our tasks.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'A.J. McComiskey', with a stylized flourish at the end.

A.J. McComiskey
Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1983

	ASSETS	1983	1982
ESTATES AND TRUSTS			
Cash in bank		\$ 382,513	\$ 58,750
Funds invested (schedule A)		90,015,016	87,945,770
Bonds		104,001,273	85,752,666
Stocks		6,059,134	5,956,273
Mortgages receivable		4,150,829	4,108,571
Real estate		29,907,991	28,611,940
Pensions and life insurance		41,033,492	37,612,713
Miscellaneous		3,438,205	3,015,163
		278,988,453	253,061,846
Deduct mortgages payable		938,814	893,329
		278,049,639	252,168,517
ADMINISTRATION FUND ACCOUNT (note 2)			
Cash in bank		347,317	68,765
Funds invested (schedule A)		24,691,883	19,865,000
		25,039,200	19,933,765
		\$ 303,088,839	\$ 272,102,282
	LIABILITIES		
ESTATES AND TRUSTS			
Patients' estates		\$ 215,679,419	\$ 194,702,482
Crown estates		20,288,947	16,918,983
Deceased persons' estates		5,518,902	5,065,809
Probable escheats		8,069,105	7,743,761
Special trusts and charities		16,582,061	16,280,772
Corporate estates		5,121,762	5,192,858
Crown companies		615,737	583,527
Indian trusts		175,841	185,589
Unclaimed balances		609,479	391,042
Cemetery trusts		5,325,802	5,038,843
Child welfare trusts		62,584	64,851
		278,049,639	252,168,517
ADMINISTRATION FUND ACCOUNT (note 2)			
Current liabilities		446,354	505,698
Assurance fund (note 3)		200,000	200,000
Surplus		24,392,846	19,228,067
		25,039,200	19,933,765
		\$303,088,839	\$272,102,282

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURES

YEAR ENDED MARCH 31, 1983

Revenue	<u>1983</u>	<u>1982</u>
Fees collected		
Patients' estates	\$ 4,091,166	\$ 3,251,958
Crown estates	563,880	492,021
Deceased persons' estates	114,733	112,592
Probable escheats	76,044	97,646
Crown companies	13,262	19,368
Special trusts	222,474	162,571
Corporate estates	34,383	14,304
Cemetery trusts	27,877	22,200
Charities	<u>52,402</u>	<u>50,776</u>
	5,196,221	4,223,436
Bank interest	17,057	6,627
Income from funds invested, net (schedule B)	<u>4,969,024</u>	<u>4,926,690</u>
	<u>10,182,302</u>	<u>9,156,753</u>
 Expenditures		
Salaries and wages	3,574,171	3,181,875
Employee benefits	500,598	496,177
Transportation and communication	139,876	104,333
Services	665,457	629,395
Supplies and equipment	137,421	111,090
	<u>5,017,523</u>	<u>4,522,870</u>
 EXCESS OF REVENUE OVER EXPENDITURES	<u>\$ 5,164,779</u>	<u>\$ 4,633,883</u>

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1983

	<u>1983</u>	<u>1982</u>
BALANCE AT BEGINNING OF YEAR	\$ 19,228,067	\$ 14,594,184
Excess of revenue over expenditures	<u>5,164,779</u>	<u>4,633,883</u>
BALANCE AT END OF YEAR	<u>\$ 24,392,846</u>	<u>\$ 19,228,067</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1983

SCHEDULE A

	1983	1982
Bank term deposits	\$ 23,711,067	\$ 16,700,000
Bonds (schedule C)	88,650,940	88,637,762
Accrued interest	2,258,517	2,416,373
Cash in bank	86,375	56,635
	<u>\$ 114,706,899</u>	<u>\$ 107,810,770</u>
Allocated as follows:		
Estates and trusts	\$ 90,015,016	\$ 87,945,770
Administration fund account (note 2)	24,691,883	19,865,000
	<u>\$ 114,706,899</u>	<u>\$ 107,810,770</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1983

SCHEDULE B

	1983	1982
Interest earned on investments	\$ 10,001,612	\$ 10,494,887
Interest earned on bank accounts	235,319	236,326
	10,236,931	10,731,213
Deduct interest allowed	5,267,907	5,804,523
Income from funds invested, net	<u>\$ 4,969,024</u>	<u>\$ 4,926,690</u>

DETAILS OF BONDS

AS AT MARCH 31, 1983

SCHEDULE C

	Par value	Amortized cost
Province of Ontario	\$ 13,450,000	\$ 13,437,515
Ontario Hydro	75,687,000	75,213,425
	<u>\$ 89,137,000</u>	<u>\$ 88,650,940</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 1983

1. SUMMARY OF ACCOUNTING POLICIES

(a) Basis of accounting

Fees collected and bank interest are recorded on a cash basis of accounting which, for expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended. In this regard, payments to employees for the pay period which overlaps the fiscal year end date are apportioned between the two years. Net income from funds invested is recorded on an accrual basis.

(b) Funds invested

Funds are invested in income producing securities which are normally held until their maturity. Such securities are traded only if any resultant loss on sale can be recovered through investment in replacement securities prior to the maturity date of the securities being traded. Accordingly, the securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase.

(c) Stocks and bonds of estates and trusts

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over of the Estates and Trusts. This valuation is determined by the Public Trustee's security department. The bonds of Cemetery Trusts are valued at par.

(d) Real Estate

Real Estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic subsequent adjustments.

(e) Pensions

Pensions are recorded at the estimated annual amount receivable by the trusts.

(f) Life insurance

Life insurance is recorded at its cash surrender value at the time of taking over of the Estates and Trusts.

(g) Fixed assets

Fixed Assets are recorded as expenditures when purchased.

2. ADMINISTRATION FUND ACCOUNT

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of estate and trust accounts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the Estate and Trust Funds in accordance with regulations under the Act.

All operating expenses of the office of the Public Trustee are paid from the Administration Fund.

The Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund. The most recent such direction was made by Order in Council dated September 6, 1972 whereunder \$8,500,000 was paid out of the Administration Fund into the Consolidated Revenue Fund of the Province.

3. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund be established to meet losses for which the office of the Public Trustee might become liable. At the direction of the Advisory Committee, transfers from the Administration Fund in the amounts of \$25,000 and \$175,000 were made in September 1942 and March 1957, respectively. A resolution of the Advisory Committee on September 25, 1974 recommended the continuance of this Fund in the amount of \$200,000.



Office of the
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Auditor

Parliament Buildings
Queen's Park
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M7A 1A2
416/965-1381

To the Public Trustee of the Province of Ontario and to the Attorney General

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1983 and the statements of revenue and expenditures and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1983 and the results of operations for the year then ended in accordance with the accounting policies described in note 1 to the financial statements, applied on a basis consistent with that of the preceding year.

A report on the audit has been made to the Public Trustee and to the Attorney General.

A handwritten signature in dark ink, reading "D.F. Archer".

Toronto, Ontario,
May 6, 1983

D.F. Archer, F.C.A.,
Provincial Auditor.

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1983</u>	<u>1982</u>
Assets under Administration	\$ 303,088,839	\$ 272,102,282
Revenue	10,182,302	9,156,753
Operating Expenses	5,017,523	4,522,870
Excess of Revenue over Expenditure	5,164,779	4,633,883
Surplus	24,392,846	19,228,067
Cash Receipts	98,261,526	82,636,399
Public Trustee Investments at Book Value	112,362,007	105,337,762
No. of Files — Estates and Trusts	23,952	26,267
No. of Files — Charities	36,192	34,126
No. of Staff — Permanent	153	151
Contract	1	1

STATUTES AFFECTING THE PUBLIC TRUSTEE

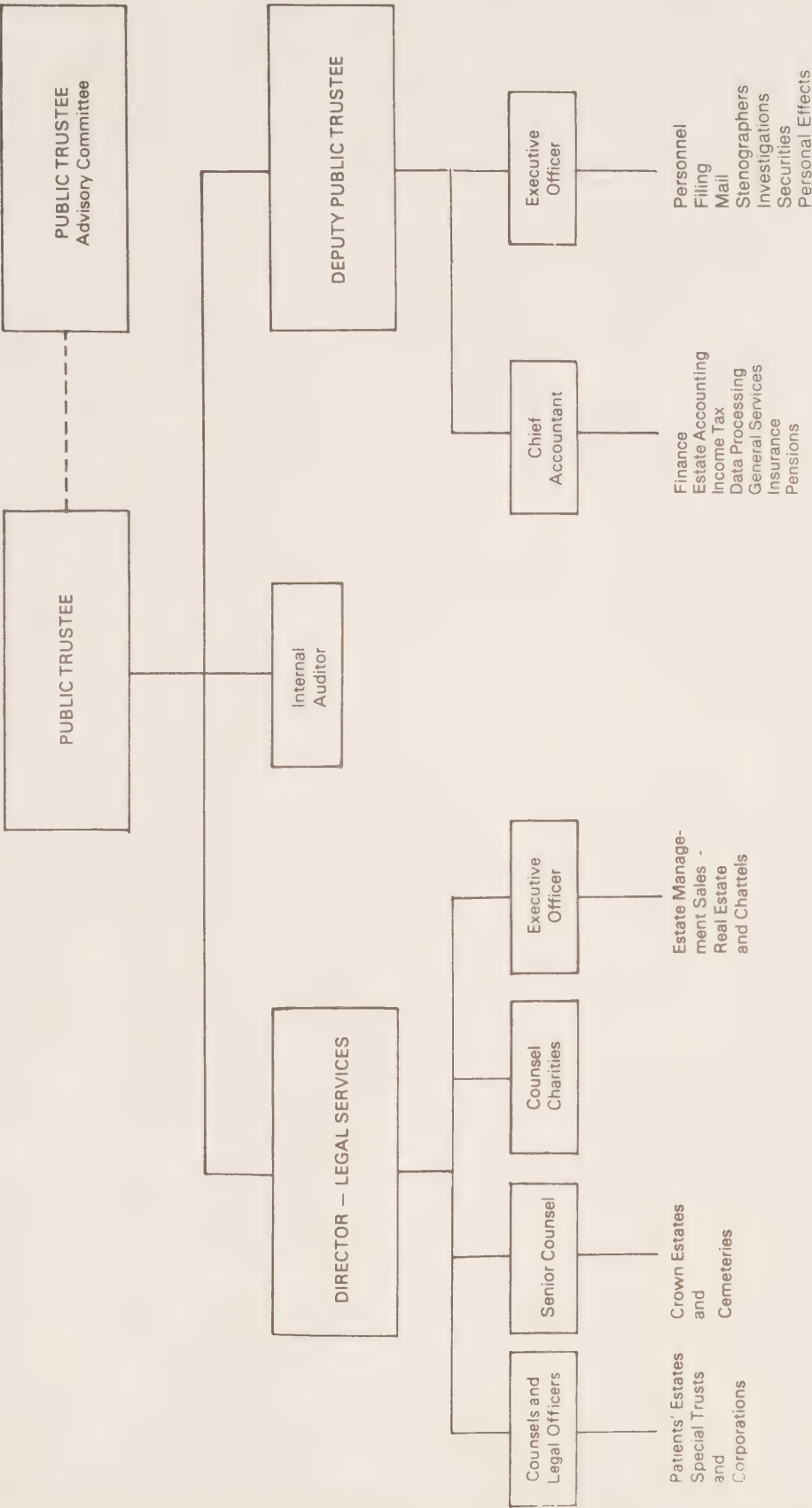
Ontario

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Escheats Act — R.S.O. 1980, c.142
Estates Administration Act — R.S.O. 1980, c.143
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Family Law Reform Act — R.S.O. 1980, c.152
Homes for Special Care Act — R.S.O. 1980, c.202
Judicature Act — R.S.O. 1980, c.223 and Consolidated Rules of Practice
Mental Health Act — R.S.O. 1980, c.262
Mental Hospitals Act — R.S.O. 1980, c.263
Mental Incompetency Act — R.S.O. 1980, c.264
Mortmain and Charitable Uses Act — R.S.O. 1980, c.267 -Repealed by 1982, c.12,S.1 (1) (June 15, 1982)
Municipal Affairs Act — R.S.O. 1980, c.303
Powers of Attorney Act — R.S.O. 1980, c.386
Public Trustee Act — R.S.O. 1980, c.422
Succession Law Reform Act — R.S.O. 1980, c.488
Surrogate Courts Act — R.S.O. 1980, c.491
Trustee Act — R.S.O. 1980, c.512
Workmen's Compensation Act — R.S.O. 1980, c.539

BY CONSENT WE ACCEPT TRUSTS FROM FEDERAL AUTHORITIES

Under: 1. Department of Veterans Affairs Act - R.S.O. 1970, c.V-1
2. Indian Act - R.S.O. 1970, c.1-6, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



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Ministry of the
Attorney
General

**Public Trustee
Financial Statements
and
Report on the Audit
Year ended March 31st, 1985**

THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO
Financial Statements and
Report on the Audit
Year ended March 31, 1985



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SIXTY-FIFTH ANNUAL REPORT OF THE PUBLIC TRUSTEE 1984-85

Perfection in any arena of life is a rare commodity. Sometimes the failure to achieve that standard leaves us vulnerable to our own sense of dissatisfaction and depression or to criticism by others. A realistic appraisal of the results, however, might well entitle us to a sense of achievement and the congratulations of those that we would serve.

Recently we touched on this thought in considering our staff complement. We recognized that 5 per cent of our employees left something to be desired in ability, attendance, effort or punctuality. Looking at this positively, however, we realized that 95 per cent of our staff were good people, honestly trying to accomplish a worthwhile purpose.

While lack of perfection may not be a reason for criticism, high percentages are equally not a ground for complacency.

The financial information on the following pages disclose that over the last ten years, while the staff complement has remained fixed, the value of assets under administration, the income earned and the net profit have all increased greatly. Financially, I think it is clear that the Office of the Public Trustee has been successful.

For an Office like the Public Trustee, however, financial success is not the only criteria.

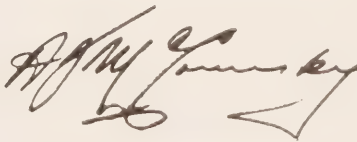
Like its staff complement, the duties and obligations of the Public Trustee have remained consistent during the last ten years, but in the same decade there have been dramatic changes in the method of treatment and placement of mental incompetents, the equipment available for improved record-keeping and communication, and the thirst of the public for more information.

The Public Trustee should not be perceived as an isolated and insensitive bureaucracy. To avoid this it is probably essential to re-define the mission of the Public Trustee. With our mission in mind, there is room for improvement in:

- (a) Communications through the relaxation of the confidentiality requirements of the Public Trustee Act, staff training and improved switchboard equipment;
- (b) Information distribution by the re-design and modernization of our Data Processing and Word Processing Systems and minor additions to the staff complement;
- (c) Publicizing the services and requirements by all means possible; and
- (d) The efficiency of time by the use of such technical devices as the electronic transfer of funds, the quicker production of accounts and financial statements and the faster turn around time on the reply to letters or requests for information.

I suggest that satisfactory service must be equal to or greater than satisfactory profit.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'A. J. McCOMISKEY', with a stylized flourish at the end.

A. J. McCOMISKEY
Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1985

<u>ASSETS</u>	<u>1985</u>	<u>1984</u>
ESTATES AND TRUSTS		
Cash in bank	\$ 211,868	\$ 187,930
Receivable from Administration Fund Account	—	102,198
Funds invested (schedule A)	111,215,016	105,065,016
Bonds	126,969,443	113,915,768
Stocks	8,206,013	9,320,650
Mortgages receivable	2,114,491	2,968,881
Real estate	30,606,147	30,455,960
Life insurance	2,020,666	2,131,004
Miscellaneous	4,204,926	3,776,133
	<u>285,548,570</u>	<u>267,923,540</u>
Deduct mortgages payable	827,950	935,102
	<u>284,720,620</u>	<u>266,988,438</u>
ADMINISTRATION FUND ACCOUNT (note 2)		
Cash in bank	109,934	111,328
Funds invested (schedule A)	24,291,883	17,591,883
	<u>24,401,817</u>	<u>17,703,211</u>
	<u>\$ 309,122,437</u>	<u>\$ 284,691,649</u>

LIABILITIES

ESTATES AND TRUSTS		
Patients' estates	\$ 209,880,223	\$ 197,322,610
Crown estates	26,414,842	24,389,091
Deceased persons' estates	6,855,918	7,129,875
Probable escheats	9,914,357	8,278,648
Special trusts and charities	17,485,399	17,382,866
Corporate estates	6,309,312	5,023,099
Crown companies	914,967	706,817
Indian trusts	144,445	164,496
Unclaimed balances	781,771	708,931
Cemetery trusts	5,964,384	5,829,400
Child welfare trusts	55,002	52,605
	<u>284,720,620</u>	<u>266,988,438</u>
ADMINISTRATION FUND ACCOUNT (note 2)		
Current liabilities	457,850	584,760
Payable to Estates and Trusts	—	102,198
Assurance Fund (note 3)	200,000	93,633
Surplus	23,743,967	16,922,620
	<u>24,401,817</u>	<u>17,703,211</u>
	<u>\$ 309,122,437</u>	<u>\$ 284,691,649</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURES

YEAR ENDED MARCH 31, 1985

	<u>1985</u>	<u>1984</u>
REVENUE		
Fees collected		
Patients' estates	\$ 4,671,149	\$ 4,156,806
Crown estates	935,208	680,466
Deceased persons' estates	143,871	136,077
Probable escheats	117,380	104,904
Crown companies	14,676	22,774
Special trusts	265,552	279,595
Corporate estates	28,844	13,600
Cemetery trusts	36,402	31,979
Charities	67,365	72,754
	<hr/> 6,280,447	<hr/> 5,498,955
Bank interest	8,314	8,406
Income from funds invested, net (schedule B)	6,140,355	4,878,530
	<hr/> 12,429,116	<hr/> 10,385,891
EXPENDITURES		
Salaries and wages	3,889,346	3,741,635
Employee benefits	520,512	536,337
Transportation and communication	140,805	179,960
Services	769,913	661,597
Supplies and equipment	180,826	286,588
	<hr/> 5,501,402	<hr/> 5,406,117
	<hr/> \$ 6,927,714	<hr/> \$ 4,979,774

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1985

	<u>1985</u>	<u>1984</u>
BALANCE AT BEGINNING OF YEAR	\$ 16,922,620	\$ 24,392,846
Excess of revenue over expenditures	6,927,714	4,979,774
	<hr/> 23,850,334	<hr/> 29,372,620
Transfer to the Assurance Fund (note 3)	106,367	—
Transfer of Province of Ontario bonds to the Consolidated Revenue Fund	<hr/> —	<hr/> 12,450,000
BALANCE AT END OF YEAR	<hr/> \$ 23,743,967	<hr/> \$ 16,922,620

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1985

SCHEDULE A

	<u>1985</u>	<u>1984</u>
Short term investments	\$ 57,614,079	\$ 44,910,251
Bonds (schedule C)	75,239,676	75,225,973
Accrued interest	2,496,236	2,434,473
Cash in bank	<u>156,908</u>	<u>86,202</u>
	<u>\$ 135,506,899</u>	<u>\$ 122,656,899</u>
Allocated as follows:		
Estates and Trusts	\$ 111,215,016	\$ 105,065,016
Administration Fund account (note 2)	<u>24,291,883</u>	<u>17,591,883</u>
	<u>\$ 135,506,899</u>	<u>\$ 122,656,899</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1985

SCHEDULE B

	<u>1985</u>	<u>1984</u>
Interest earned on investments	\$ 12,355,826	\$ 10,583,918
Interest earned on bank accounts	216,649	163,640
Gain on transfer of bonds to the Consolidated Revenue Fund	<u>—</u>	<u>11,279</u>
	12,572,475	10,758,837
Deduct interest allowed	<u>6,432,120</u>	<u>5,880,307</u>
Income from funds invested, net	<u>\$ 6,140,355</u>	<u>\$ 4,878,530</u>

DETAILS OF BONDS

AS AT MARCH 31, 1985

SCHEDULE C

	<u>Par value</u>	<u>Amortized cost</u>
Ontario Hydro	<u>\$ 75,687,000</u>	<u>\$ 75,239,676</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 1985

1. SUMMARY OF ACCOUNTING POLICIES

(a) Basis of accounting

Fees collected and bank interest are recorded on a cash basis of accounting which, for expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended. In this regard, payments to employees for the pay period which overlaps the fiscal year end date are apportioned between the two years. Net income from funds invested is recorded on an accrual basis.

(b) Funds invested

Funds are invested in income producing securities which are normally held until their maturity. Such securities are traded only if any resultant loss on sale can be recovered through investment in replacement securities prior to the maturity date of the securities being traded. Accordingly, the securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase.

(c) Stocks and bonds of Estates and Trusts

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over of the Estates and Trusts with an annual adjustment to market value at December 31 each year. This valuation is determined by the Public Trustee's security department. The bonds of Cemetery Trusts are valued at par.

(d) Real estate

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic subsequent adjustments.

(e) Life insurance

Life insurance is recorded at its cash surrender value at the time of taking over of the Estates and Trusts.

(f) Pensions

Pensions are recorded as received.

(g) Fixed assets

Fixed assets are recorded as expenditures when purchased.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS (Continued)

YEAR ENDED MARCH 31, 1985

2. ADMINISTRATION FUND ACCOUNT

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the office of the Public Trustee are paid from the Administration Fund.

The Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund. The most recent such direction was made by Order in Council dated October 21, 1983 whereunder Province of Ontario bonds were transferred at their par value of \$12,450,000 out of the funds invested by the Administration Fund into the Consolidated Revenue Fund of the Province.

3. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund be established to meet losses for which the office of the Public Trustee might become liable. At the direction of the Advisory Committee, transfers from the Administration Fund in the amounts of \$25,000 and \$175,000 were made in September 1942 and March 1957, respectively. A resolution of the Advisory Committee on September 25, 1974 recommended the continuance of this Fund in the amount of \$200,000.

Direction was received from the Advisory Committee on September 27, 1984 to transfer \$106,367 from the Administration Fund to re-establish the Assurance Fund at \$200,000, reflecting the losses of \$106,367 realized by the Assurance Fund in the previous year.



Office of the
Provincial
Auditor

Parliament Buildings
Queen's Park
Toronto, Ontario
M7A 1A2
416/965-1381

To the Public Trustee of the Province of Ontario and
to the Attorney General.

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1985 and the statements of revenue and expenditures and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1985 and the results of operations for the year then ended in accordance with the accounting policies described in note 1 to the financial statements applied on a basis consistent with that of the preceding year.

A report on the audit has been made to the Public Trustee and to the Attorney General.

A handwritten signature in cursive script, reading "D.F. Archer".

Toronto, Ontario,
June 7, 1985.

D.F. Archer, F.C.A.,
Provincial Auditor.

STATISTICAL REVIEW

As at March 31st

	<u>1985</u>	<u>1984</u>
Assets under Administration	\$309,122,437	\$284,691,649
Revenue	12,429,116	10,385,891
Operating Expenses	5,501,402	5,406,117
Excess of Revenue over Expenditure	6,927,714	4,979,774
Surplus	23,743,967	16,922,620
Cash Receipts	118,841,189	111,036,454
Public Trustee Investments at Book Value	132,853,755	120,136,224
No. of Files - Estates and Trusts	23,404	23,889
No. of Files - Charities	39,963	38,127
No. of Staff - Permanent	154	153
Contract	0	1

STATUTES AFFECTING THE PUBLIC TRUSTEE

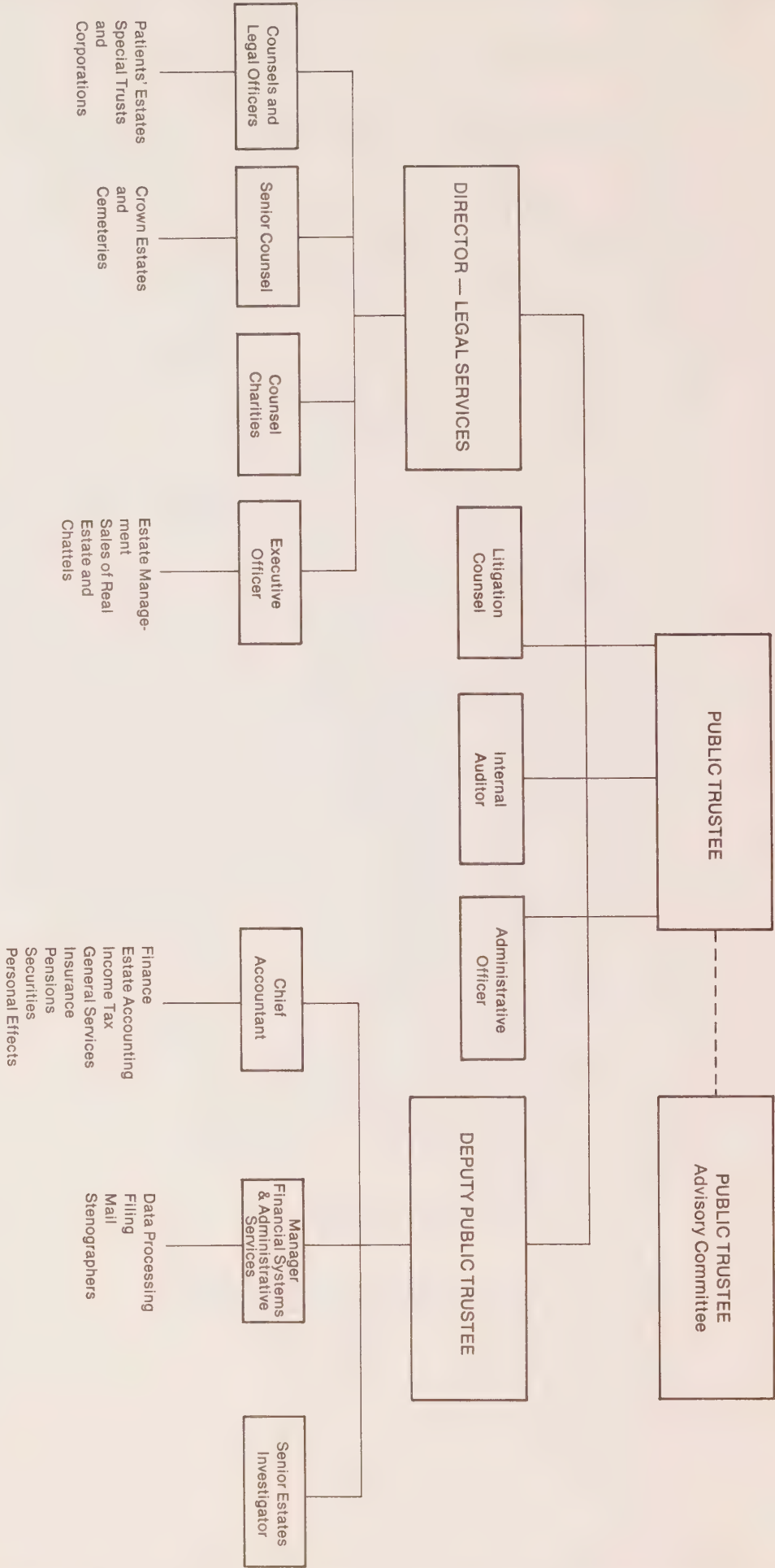
ONTARIO

Bulk Sales Act — R.S.O. 1980, c. 52
Business Corporations Act — S.O. 1982, c.4
Cemeteries Act — R.S.O. 1980, c. 59
Charitable Gift Acts — R.S.O. 1980, c. 63
Charities Accounting Act — R.S.O. 1980, c. 65
Compensation for Victims of Crime Act — R.S.O. 1980, c. 82
Co-operative Corporations Act — R.S.O. 1980, c.91
Corporations Act — R.S.O. 1980, c.95
Courts of Justice Act S.O. 1984, c.11, and Rules of Civil Procedure
Crown Administration of Estates Act — R.S.O. 1980, c.105
Developmental Services Act — R.S.O. 1980, c.118
Escheats Act — R.S.O. 1980, c.142
Estates Administration Act — R.S.O. 1980, c.143
Family Benefits Act — R.S.O. 1980, c.151
Family Law Reform Act — R.S.O. 1980, c.152
Homes for Special Care Act — R.S.O. 1980, c.202
Human Tissue Gift Act — R.S.O. 1980, c.210
Mental Health Act — R.S.O. 1980, c.262
Mental Hospitals Act — R.S.O. 1980, c.263
Municipal Tax Sales Act — S.O. 1984, c.48
Powers of Attorney Act — R.S.O. 1980, c.386
Public Trustee Act — R.S.O. 1980, c.422
Religious Organizations Lands Act — R.S.O. 1980, c.448
Succession Law Reform Act — R.S.O. 1980, c.488
Surrogate Courts Act — R.S.O. 1980, c. 491
Trustee Act — R.S.O. 1980, c.512
Workers' Compensation Act — R.S.O. 1980, c.539

BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act — R.S.C. 1970,c.V-1
2. Indian Act — R.S.C. 1970, c.1-6, as amended
3. Absentees Act — R.S.O. 1980, c.3
4. Mental Incompetency Act — R.S.O. 1980, c.264

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



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Ministry of the
Attorney
General

Public Trustee
Financial Statements
and

Report on the Audit

Year ended March 31st, 1986

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**THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO
Financial Statements and
Report on the Audit
Year ended March 31, 1986**



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SIXTY-SIXTH ANNUAL REPORT OF THE PUBLIC TRUSTEE 1985-86

The principal areas of effort for the office of the Public Trustee still involve:

- (1) The management of estates of incompetents;
- (2) The administration of estates of persons who die in Ontario without Wills and without next of kin, and
- (3) The supervision of charitable organizations.

Changes are, however, taking place in each of these areas.

In the field of mental incompetency, we face the numbers of an increasing population and the fact of an aging population. The patients, whose estates are to be managed, are more frequently living in the community rather than in care institutions. The monetary value of the estates is higher and the variety of assets is greater.

In the administration of deceased estates, the assets here too are greater in dollar value and variety, potential heirs are more transient and, therefore, often more difficult to trace and more frequently asset locators or heir tracers are making their appearance on the scene.

In the charities field, the objectives are both more specific and more complex, fund raising activities are increasingly intense and aggressive and the tax implications much more involved.

Recently, in a comprehensive report written by Robert M. Gordon, Simon N. Verdun-Jones of Simon Fraser University, and Donald J. MacDougall of the University of British Columbia under the title "Standing in their Shoes: Guardian-

ship, Trusteeship and the Elderly Canadian", it was correctly pointed out that while Public Trustees throughout the land provided a practical inexpensive way of protecting an estate, the work was often seen to be performed by an isolated, uncaring and irresponsible bureaucracy. While much effort is expended with considerable success in explaining the office of the Public Trustee to patients, their families, social workers and those offering medical care who have some direct contact with the office of the Public Trustee, it is unfortunately true that private individuals or professionals such as accountants, lawyers or media representatives who have infrequent and indirect contact with the office of the Public Trustee have little understanding of the role which the Public Trustee is called upon to perform.

As the services which the Public Trustee must provide become more complicated and intricate, the office is going to have to perform its duties in new and innovative ways. This will mean:

- (a) The qualifications of the individual staff members charged with providing the service will have to be upgraded;
- (b) Emphasis will have to be placed on the education and training of staff to enable them to cope with the expanding areas of responsibility;
- (c) Equipment used to record and report activities will have to be constantly modernized; and
- (d) Greater efforts will have to be exerted to advertise and explain what the Public Trustee can be expected to do or not to do.

Respectfully submitted,



A.J. McCOMISKEY
Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1986

	<u>ASSETS</u>	1985 (\$000's)	1985 (\$000's)
ESTATES AND TRUSTS			
Cash in bank		\$ 162	\$ 212
Bonds		149,334	126,969
Funds invested (schedule A)		112,677	111,215
Real estate		26,141	30,606
Stocks		10,783	8,206
Mortgages receivable		4,258	2,114
Life insurance		2,074	2,021
Miscellaneous		4,255	4,205
		<u>309,684</u>	<u>285,548</u>
Deduct mortgages payable		<u>795</u>	<u>828</u>
		<u>308,889</u>	<u>284,720</u>
ADMINISTRATION FUND ACCOUNT (note 3)			
Cash in bank		36	110
Funds invested (schedule A)		<u>31,767</u>	<u>24,292</u>
		<u>31,803</u>	<u>24,402</u>
		\$ <u>340,692</u>	\$ <u>309,122</u>

	<u>LIABILITIES</u>		
ESTATES AND TRUSTS			
Patients' estates		\$ 230,354	\$ 209,880
Crown estates		27,044	26,415
Special trusts and charities		18,512	17,485
Probable escheats (note 4)		11,037	9,914
Deceased persons' estates		7,283	6,856
Cemetery trusts		6,306	5,964
Corporate estates		6,271	6,309
Crown companies		1,040	915
Unclaimed balances		852	782
Indian trusts		134	145
Child welfare trusts		56	55
		<u>308,889</u>	<u>284,720</u>
ADMINISTRATION FUND ACCOUNT (note 3)			
Current liabilities		84	458
Assurance Fund (note 5)		200	200
Surplus		<u>31,519</u>	<u>23,744</u>
		<u>31,803</u>	<u>24,402</u>
		\$ <u>340,692</u>	\$ <u>309,122</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURE

YEAR ENDED MARCH 31, 1986

	1986 (\$000's)	1985 (\$000's)
REVENUE		
Fees Collected		
Patients' estates	\$ 5,294	\$ 4,671
Crown estates	761	935
Special trusts	251	266
Probable escheats	181	117
Deceased persons' estates	174	144
Charities	55	67
Cemetery trusts	35	36
Crown companies	34	15
Corporate estates	17	29
	<hr/> 6,802	<hr/> 6,280
Bank interest	14	8
Income from funds invested, net (schedule B)	<hr/> 6,651	<hr/> 6,141
	<hr/> 13,467	<hr/> 12,429
EXPENDITURE		
Salaries and wages	4,073	3,889
Employee benefits	589	520
Services	747	770
Supplies and equipment	144	181
Transportation and communication	139	141
	<hr/> 5,692	<hr/> 5,501
EXCESS OF REVENUE OVER EXPENDITURE	<hr/> \$ 7,775	<hr/> \$ 6,928

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1986

	1986 (\$000's)	1985 (\$000's)
BALANCE, BEGINNING OF YEAR	\$ 23,744	\$ 16,922
Excess of revenue over expenditure	<hr/> 7,775	<hr/> 6,928
	31,519	23,850
Transfer to the Assurance Fund	<hr/> —	<hr/> 106
BALANCE, END OF YEAR	<hr/> \$ 31,519	<hr/> \$ 23,744

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1986

SCHEDULE A

	1986 (\$000's)	1985 (\$000's)
Short term investments	\$ 60,501	\$ 57,614
Bonds (schedule C)	80,335	75,240
Accrued interest	3,470	2,496
Cash in bank	138	157
	<u>\$ 144,444</u>	<u>\$ 135,507</u>
Allocated as follows:		
Estates and Trusts	\$ 112,677	\$ 111,215
Administration Fund account (note 3)	31,767	24,292
	<u>\$ 144,444</u>	<u>\$ 135,507</u>

INCOME FROM FUNDS INVESTED

AS AT MARCH 31, 1986

SCHEDULE B

	1986 (\$000's)	1985 (\$000's)
Interest earned on investments	\$ 13,267	\$ 12,356
Interest earned on bank accounts	330	217
	<u>13,597</u>	<u>12,573</u>
Deduct interest allowed	6,946	6,432
Income from funds invested, net	<u>\$ 6,651</u>	<u>\$ 6,141</u>

DETAILS OF BONDS

AS AT MARCH 31, 1986

SCHEDULE C

	1986 (\$000's)	1985 (\$000's)
Ontario Hydro	\$ 75,255	\$ 75,240
Government of Canada	5,080	—
Amortized cost	<u>\$ 80,335</u>	<u>\$ 75,240</u>
Par value	<u>\$ 80,687</u>	<u>\$ 75,687</u>
Market value	<u>\$ 79,686</u>	<u>\$ 62,317</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 1986

1. GENERAL

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- the management of estates of mentally incompetent individuals;
- the administration of estates of persons who die in Ontario intestate and without next-of-kin;
- the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence; and
- a general supervisory role over charities.

2. SUMMARY OF ACCOUNTING POLICIES

(a) BASIS OF ACCOUNTING

Fees collected and bank interest are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional thirty days to pay for debts incurred during the fiscal year just ended. Net income from funds invested is recorded on an accrual basis.

(b) FUNDS INVESTED

Funds are invested in income producing short term investments or bonds which are normally held until maturity. These securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

(c) STOCKS AND BONDS OF ESTATES AND TRUSTS

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over the Estates and Trusts with an annual adjustment to market value at December 31 each year. The bonds of Cemetery Trusts are valued at par.

(d) REAL ESTATE

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

(e) LIFE INSURANCE

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to valuation every two years.

(f) FIXED ASSETS

Fixed assets are recorded as expenditures when purchased.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS (Continued)

YEAR ENDED MARCH 31, 1986

3. ADMINISTRATION FUND ACCOUNT

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the office of the Public Trustee are paid from the Administration Fund.

The Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund.

4. FUNDS ESCHEATED TO THE CROWN

The Public Trustee is authorized by the Escheats Act to take possession of unclaimed property reverting to the Crown under the Succession Law Reform Act, Business Corporations Act or common law. After a period of ten years, any property so received by the Public Trustee which remains unclaimed, is transferred to the Consolidated Revenue Fund of the Province.

During 1985-86, \$1,409,316 (1984-85, \$870,519) was transferred to the Province.

5. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the Office of the Public Trustee might become liable. Accordingly, this fund has been established at \$200,000 by transfers from the Administration Fund.



Office of the
Provincial
Auditor

Parliament Buildings
Queen's Park
Toronto, Ontario
M7A 1A2
416/965-1381

To the Public Trustee of the Province of Ontario and
to the Attorney General.

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1986 and the statements of revenue and expenditure and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1986 and the results of operations for the year then ended in accordance with the accounting policies described in note 2 to the financial statements applied on a basis consistent with that of the preceding year.

A report on the audit will be made to the Public Trustee and to the Attorney General.

Toronto, Ontario,
July 25, 1986.

A handwritten signature in cursive script, reading "J.F. Otterman".

J.F. OTTERMAN, F.C.A.,
Assistant Provincial Auditor.

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1986</u> <u>(\$000's)</u>	<u>1985</u> <u>(\$000's)</u>
Assets under Administration	\$ 340,692	\$ 309,122
Revenue	13,467	12,429
Operating Expenses	5,692	5,501
Excess of Revenue over Expenditure	7,775	6,928
Surplus	31,519	23,744
Cash Receipts	131,887	118,841
Public Trustee Investments at Book Value	140,836	132,854
No. of Files - Estates and Trusts	23	23
No. of Files - Charities	42	40
No. of Staff - Permanent	.154	.154
Contract	0	0

STATUTES AFFECTING THE PUBLIC TRUSTEE

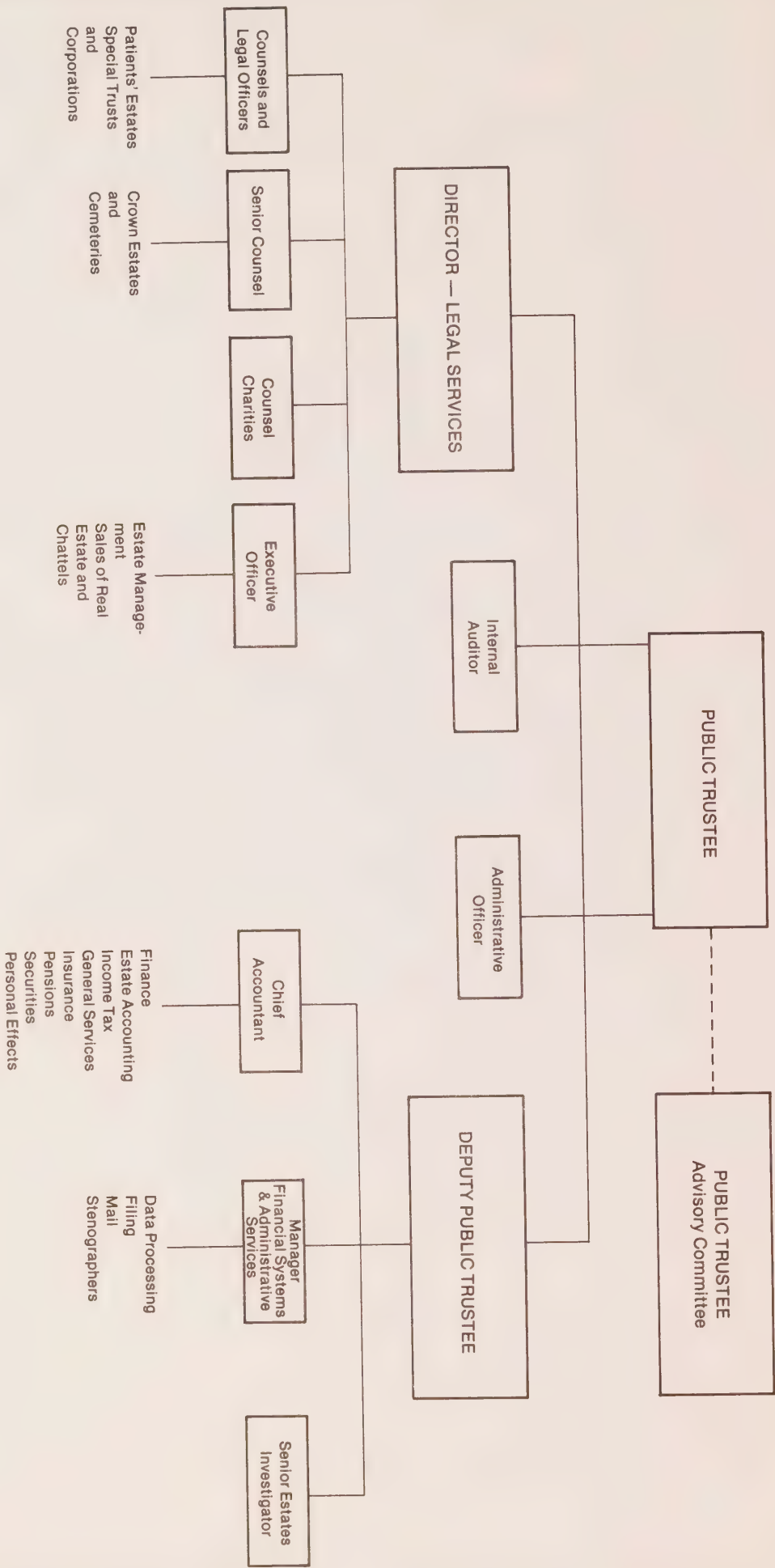
ONTARIO

Bulk Sales Act - R.S.O. 1980, c.52
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Cemeteries Act - R.S.O. 1980, c.59
Charitable Gifts Act - R.S.O. 1980, c.63
Charities Accounting Act - R.S.O. 1980, c.65, as amended
Compensation for Victims of Crime Act - R.S.O. 1980, c.82
Co-operative Corporations Act - R.S.O. 1980, c.91, as amended
Corporations Act - R.S.O. 1980, c.95, as amended
Courts of Justice Act - S.O. 1984, c.11, as amended, and Rules of Civil Procedure
Crown Administration of Estates Act - R.S.O. 1980, c.105
Developmental Services Act - R.S.O. 1980, c.118, as amended
Escheats Act - R.S.O. 1980, c.142
Estates Administration Act - R.S.O. 1980, c.143, as amended
Family Benefits Act - R.S.O. 1980, c.151
Family Law Act - S.O. 1986, c.4
Homes for Special Care Act - R.S.O. 1980, c.202
Human Tissue Gift Act - R.S.O. 1980, c.210
Mental Health Act - R.S.O. 1980, c.262, as amended
Mental Hospitals Act - R.S.O. 1980, c.263
Municipal Tax Sales Act - S.O. 1984, c.48
Powers of Attorney Act - R.S.O. 1980, c.386, as amended
Public Trustee Act - R.S.O. 1980, c.422
Religious Organizations' Lands Act - R.S.O. 1980, c.448
Succession Law Reform Act - R.S.O. 1980, c.488, as amended
Surrogate Courts Act - R.S.O. 1980, c.491, as amended
Trustee Act - R.S.O. 1980, c.512, as amended
Workers' Compensation Act - R.S.O. 1980, c.539, as amended

BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act - R.S.C. 1970, c.V-1
2. Indian Act - R.S.C. 1970, c.I-6, as amended
3. Absentees Act - R.S.O. 1980, c.3
4. Mental Incompetency Act - R.S.O. 1980, c.264, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



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Ministry of the
Attorney
General

**Public Trustee
Financial Statements
and
Report on the Audit
Year ended March 31st, 1987**

**THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO**
**Financial Statements and
Report on the Audit
Year ended March 31, 1987**



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SIXTY-SEVENTH ANNUAL REPORT OF THE PUBLIC TRUSTEE 1986-87

The fiscal year ending March 31, 1987, was one of continuing increase in the number and values of accounts administered, income received and profit earned for the Office of the Public Trustee.

However, I would like to stress that while financial reports or statistical analysis do not necessarily indicate if any organization is performing its duties well, it does provide some measure of the effectiveness of the job being done.

The financial information in the following pages discloses that the office of the Public Trustee is managing assets of ever increasing value, now amounting to 369 million dollars, which has produced a total revenue for the year just over 13.5 million dollars, and, after having paid all expenses, a net income in excess of 7.5 million dollars.

While in corporate financial terms, the annual financial statements are pleasing, the recommendation of this report is that the Public Trustee's operations require a complete overhaul. The Public Trustee charges fees for the service he provides. However, I do not feel that the office is providing an acceptable level of service at present. While the staff complement has remained fixed, the values of assets under administration has increased greatly.

In particular, the management of estates is proceeding with difficulty. In the past, mentally ill persons were placed in psychiatric hospitals for domiciliary care. This is no longer the practice. With the change in the thrust of mental health legislation and treatment, patients are now returned to the community, or some protected environment, as soon as possible. This has resulted in a great number of patients being in the community and requiring day-to-day assistance with daily living and financial matters, which all too often, falls solely on the estates administrators. This has resulted in a strain being placed on the estates administrators, and, in turn, has a detrimental effect on the level of service provided.

The supervision of Charities during the past year has received a very high

profile in the press. However, the performance of our duties in supervising these Charities to ensure compliance with the Charities Accounting Act and the Charities Gift Act cannot continue without additional staff and equipment.

In essence, the Branch must have more resources to function effectively. These resources include:

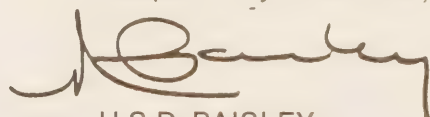
- (a) hiring and training additional staff to assist Estates Management personnel, and the Charities Department;
- (b) upgrading the Public Trustee's Data Processing System;
- (c) upgrading telephone communications;
- (d) upgrading staff through training and education;
- (e) a programme for public relations; and
- (f) consideration of the placement of Branch Offices in Northern, Eastern and Western Ontario.

The implementation of legislation flowing from the Fram Commission may result in the Public Trustee exercising increased jurisdiction over private committees and their accounts, and assuming the role of Public Guardian. I, on behalf of the Office, am participating in formulation of legislation by the Fram Commission.

Possible impending additions to the operations of the office may include the administration of funds for prepaid funerals; payment of comfort allowances to patients, psychiatric hospitals, mental retardation centers and nursing homes; and the appointment of the Public Trustee as Litigation Guardian for mental incompetents or absentees.

Despite the problems encountered at present, I am convinced that the office of the Public Trustee has performed its duties well during the past fiscal year, and with a high degree of service to the public. This would not have been possible without the co-operation of the officials of the Ministry of the Attorney General, the efforts of the staff, the assistance of the medical profession, social workers, and especially the families of those estates whom the Public Trustee administers.

Respectfully submitted,



H.S.D. PAISLEY
Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1987

	<u>ASSETS</u>	1987 (\$000's)	1986 (\$000's)
ESTATES AND TRUSTS			
Cash in bank		241	162
Bonds		162,541	149,334
Funds invested (schedule A)		121,618	112,677
Real estate		27,298	26,141
Stocks		10,700	10,783
Mortgages receivable		1,415	4,258
Life insurance		1,836	2,074
Miscellaneous		4,791	4,255
		<u>330,440</u>	<u>309,684</u>
Deduct mortgages payable		<u>690</u>	<u>795</u>
		<u>329,750</u>	<u>308,889</u>
 ADMINISTRATION FUND ACCOUNT (note 3)			
Cash in bank		43	36
Funds invested (schedule A)		39,787	31,767
		<u>39,830</u>	<u>31,803</u>
		<u>369,580</u>	<u>340,692</u>
 LIABILITIES			
ESTATES AND TRUSTS			
Patients' estates		247,227	230,354
Crown estates		26,238	27,044
Special trusts and charities		21,859	18,512
Probable escheats (note 4)		11,420	11,037
Deceased persons' estates		7,887	7,283
Cemetery trusts		6,646	6,306
Corporate estates		6,098	6,271
Crown companies		1,170	1,040
Unclaimed balances		1,050	852
Indian trusts		101	134
Child welfare trusts		54	56
		<u>329,750</u>	<u>308,889</u>
 ADMINISTRATION FUND ACCOUNT (note 3)			
Current liabilities		553	84
Assurance Fund (note 5)		200	200
Surplus		39,077	31,519
		<u>39,830</u>	<u>31,803</u>
		<u>369,580</u>	<u>340,692</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURE

YEAR ENDED MARCH 31, 1987

	1987 (\$000's)	1986 (\$000's)
REVENUE		
Fees Collected		
Patients' estates	5,361	5,294
Crown estates	673	761
Special trusts	150	251
Probable escheats	128	181
Deceased persons' estates	160	174
Charities	67	55
Cemetery trusts	36	35
Crown companies	59	34
Corporate estates	33	17
	<hr/> 6,667	<hr/> 6,802
Bank interest	22	14
Income from funds invested, net (schedule B)	6,830	6,651
	<hr/> 13,519	<hr/> 13,467
 EXPENDITURE		
Salaries and wages	4,343	4,073
Employee benefits	557	589
Services	825	747
Supplies and equipment	140	144
Transportation and communication	96	139
	<hr/> 5,961	<hr/> 5,692
 EXCESS OF REVENUE OVER EXPENDITURE	 <hr/> <hr/> 7,558	 <hr/> <hr/> 7,775

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1987

	1987 (\$000's)	1986 (\$000's)
BALANCE, BEGINNING OF YEAR	31,519	23,744
Excess of revenue over expenditure	7,558	7,775
BALANCE, END OF YEAR	<hr/> <hr/> 39,077	<hr/> <hr/> 31,519

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1987

SCHEDULE A

	1987 (\$000's)	1986 (\$000's)
Short term investments	141,074	60,501
Bonds (schedule C)	15,031	80,335
Accrued interest	4,987	3,470
Cash in bank	313	138
	<u>161,405</u>	<u>144,444</u>
Allocated as follows:		
Estates and Trusts	121,618	112,677
Administration Fund account (note 3)	39,787	31,767
	<u>161,405</u>	<u>144,444</u>

INCOME FROM FUNDS INVESTED

AS AT MARCH 31, 1987

SCHEDULE B

	1987 (\$000's)	1986 (\$000's)
Interest earned on investments	13,212	13,267
Interest earned on bank accounts	336	330
	<u>13,548</u>	<u>13,597</u>
Deduct interest allowed	6,718	6,946
Income from funds invested, net	<u>6,830</u>	<u>6,651</u>

DETAILS OF BONDS

AS AT MARCH 31, 1987

SCHEDULE C

	1987 (\$000's)	1986 (\$000's)
Ontario Hydro	9,991	75,255
Government of Canada	5,040	5,080
Amortized cost	<u>15,031</u>	<u>80,335</u>
Par value	<u>14,950</u>	<u>80,687</u>
Market value	<u>15,503</u>	<u>79,686</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 1987

1. GENERAL

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- the management of estates of mentally incompetent individuals;
- the administration of estates of persons who die in Ontario intestate and without next-of-kin;
- the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence; and
- a general supervisory role over charities.

2. SIGNIFICANT ACCOUNTING POLICIES

(a) BASIS OF ACCOUNTING

Fees collected and bank interest are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional thirty days to pay for debts incurred during the fiscal year just ended. Net income from funds invested is recorded on an accrual basis.

(b) FUNDS INVESTED

Funds are invested in income producing short term investments or bonds which are normally held until maturity. These securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

(c) STOCKS AND BONDS OF ESTATES AND TRUSTS

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over the Estates and Trusts with an annual adjustment to market value at December 31 each year. The bonds of Cemetery Trusts are valued at par.

(d) REAL ESTATE

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

(e) LIFE INSURANCE

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to valuation every two years.

(f) FIXED ASSETS

Fixed assets are recorded as expenditures when purchased.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS (Continued)

YEAR ENDED MARCH 31, 1987

3. ADMINISTRATION FUND ACCOUNT

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the office of the Public Trustee are paid from the Administration Fund.

The Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund.

4. FUNDS ESCHEATED TO THE CROWN

The Public Trustee is authorized by the Escheats Act to take possession of unclaimed property reverting to the Crown under the Succession Law Reform Act, Business Corporations Act or common law. After a period of ten years, any property so received by the Public Trustee which remains unclaimed, is transferred to the Consolidated Revenue Fund of the Province.

During 1986-87, \$1,784,012 (1985-86, \$1,409,316) was transferred to the Province.

5. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the Office of the Public Trustee might become liable. Accordingly, this fund has been established at \$200,000 by transfers from the Administration Fund.



Office of the
Provincial
Auditor

Parliament Buildings
Queen's Park
Toronto, Ontario
M7A 1A2
416/965-1381

To the Public Trustee of the Province of Ontario and
to the Attorney General.

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1987 and the statements of revenue and expenditure and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1987 and the results of operations for the year then ended in accordance with the accounting policies described in note 2 to the financial statements applied on a basis consistent with that of the preceding year.

Toronto, Ontario,
June 9, 1987.

A handwritten signature in cursive script, reading "D.F. Archer".

D.F. ARCHER, F.C.A.,
Provincial Auditor.

STATISTICAL REVIEW

As at March 31st

	1987 (\$000's)	1986 (\$000's)
Assets under Administration	\$ 369,580	\$ 340,692
Revenue	13,519	13,467
Operating Expenses	5,961	5,692
Excess of Revenue over Expenditure	7,558	7,775
Surplus	39,077	31,519
Cash Receipts	143,765	131,887
Public Trustee Investments at Book Value	156,105	140,836

No. of Files - Estates and Trusts	23,000	23,000
No. of Files - Charities	44,000	42,000
No. of Staff - Permanent	154	154
Contract	1	0

STATUTES AFFECTING THE PUBLIC TRUSTEE

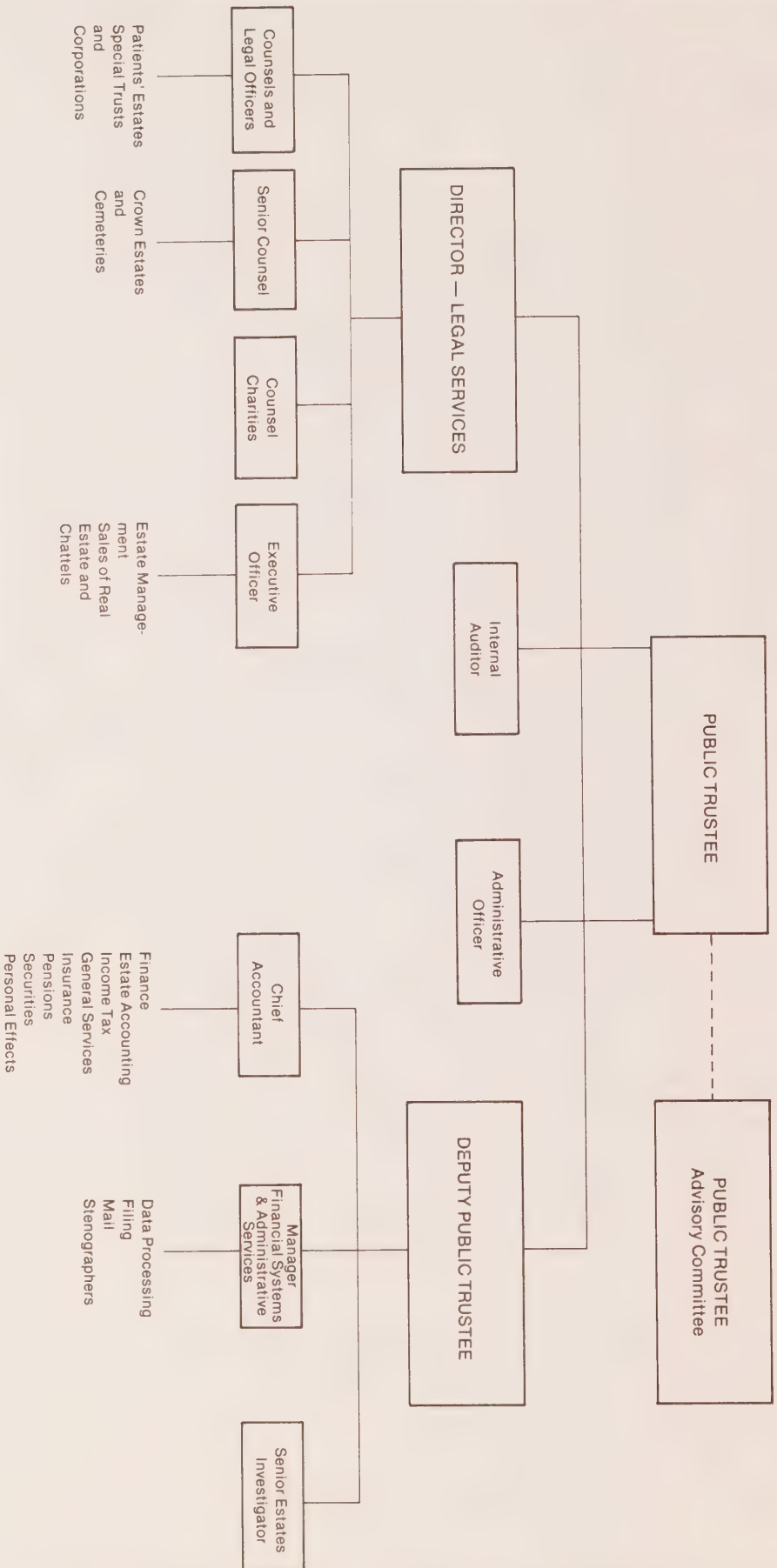
ONTARIO

Bulk Sales Act - R.S.O. 1980, c.52
Business Corporations Act - S.O. 1982, c.4
Cemeteries Act - R.S.O. 1980, c.59
Charitable Gifts Act - R.S.O. 1980, c.63
Charities Accounting Act - R.S.O. 1980, c.65, as amended
Compensation for Victims of Crime Act - R.S.O. 1980, c.82
Co-operative Corporations Act - R.S.O. 1980, c.91, as amended
Corporations Act - R.S.O. 1980, c.95, as amended
Courts of Justice Act - S.O. 1984, c.11, as amended, and Rules of Civil Procedure
Crown Administration of Estates Act - R.S.O. 1980, c.105
Developmental Services Act - R.S.O. 1980, c.118, as amended
Escheats Act - R.S.O. 1980, c.142
Estates Administration Act - R.S.O. 1980, c.143, as amended
Family Benefits Act - R.S.O. 1980, c.151
Family Law Act - S.O. 1986, c.4
Homes for Special Care Act - R.S.O. 1980, c.202
Human Tissue Gift Act - R.S.O. 1980, c.210
Mental Health Act - R.S.O. 1980, c.262, as amended
Mental Hospitals Act - R.S.O. 1980, c.263
Municipal Tax Sales Act - S.O. 1984, c.48
Powers of Attorney Act - R.S.O. 1980, c.386, as amended
Public Trustee Act - R.S.O. 1980, c.422
Religious Organizations' Lands Act - R.S.O. 1980, c.448
Succession Law Reform Act - R.S.O. 1980, c.488, as amended
Surrogate Courts Act - R.S.O. 1980, c.491, as amended
Trustee Act - R.S.O. 1980, c.512, as amended
Workers' Compensation Act - R.S.O. 1980, c.539, as amended

BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act - R.S.C. 1970, c.V-1
2. Indian Act - R.S.C. 1970, c.I-6, as amended
3. Absentees Act - R.S.O. 1980, c.3
4. Mental Incompetency Act - R.S.O. 1980, c.264, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



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Ontario

Ministry of the
Attorney
General

**Public Trustee
Sixty-Eighth
Annual Report
March 31, 1988**

**THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO**

Sixty-Eighth Annual Report
March 31, 1988



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SIXTY-EIGHTH ANNUAL REPORT OF THE PUBLIC TRUSTEE OF ONTARIO 1987-88

The past fiscal year has been a busy one at the Office of the Public Trustee. The focus throughout has been on improved public communications and, most important, value to the clients we serve for the compensation we take. Thorough identification, conservation, timely and effective administration of clients' assets are our prime goals.

Every aspect of the Office has been the subject of review, which is an ongoing process. The physical plant and equipment needs of staff have been upgraded. Improved communications to make the staff more accessible to the people we serve have been installed. Facsimile transmission has truly enhanced the speed with which we can assume our responsibilities in a client's estate. Increased staff in a number of areas has begun to reduce workload pressures. Our relationship with the Ombudsman's Office has improved and effective communication now exists to deal with complaints.

In the Trust Administration Division (the estates of mentally incompetent persons) our work is more complex today than ever before. There is a social work component in every client contact circumstance. More of our clients are living in the community, resulting in greater per diem activity in their estates. Virtually 50% of our estates have over 20 transactions per month. 56% of our clients reside outside of Metropolitan Toronto in Eastern and Southern Ontario, creating a heavy and costly demand on our Investigations Department.

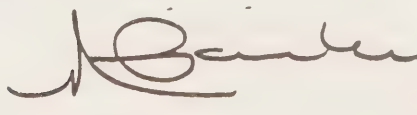
The Charities Division has also been the centre of considerable activity. A new Charities Incorporation Manual has been completed for joint publication with the Companies Branch of the Ministry of Consumer and Commercial Relations. This is designed to remove the mystery and pitfalls from Charity Law and will go a long way in fulfilling our mandate to be helpful. Work is underway to develop a financial reporting document for Charities to file in order to facilitate more thorough disclosure of financial information. Perhaps our greatest demand-driven open-ended area of developing work is with respect to duties imposed upon this Office under the Ontario Supreme Court Rules of Practice. Under Rule 7 this Office can be appointed Litigation

Guardian for a person under a disability. This appointment occurs frequently and in ever-increasing numbers.

These financial statements, reflect the results of twelve months of industry by an expert staff who carry on daily under circumstances that often require a great deal of patience and understanding.

The Provincial Auditor's staff are to be sincerely commended for the most thorough and helpful audit which they perform annually. As part of their audit of our financial statements, they examine systems and operating methods which result in superb constructive comments.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'H. Paisley', with a stylized, flowing script.

Hugh S.D. Paisley
Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

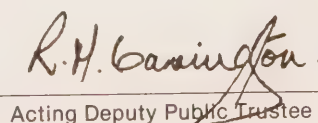
BALANCE SHEET AS AT MARCH 31, 1988

	1988 (\$000's)	1987 (\$000's)
<u>ASSETS</u>		
ESTATES AND TRUSTS		
Cash in bank	\$ 269	\$ 241
Bonds	180,773	162,541
Funds invested (schedule A)	128,318	121,618
Real estate	34,043	27,298
Stocks	10,466	10,700
Mortgages receivable	1,561	1,415
Life insurance	2,615	1,836
Miscellaneous	5,232	4,791
	<u>363,277</u>	<u>330,440</u>
Deduct mortgages payable	<u>849</u>	<u>690</u>
	<u>362,428</u>	<u>329,750</u>
ADMINISTRATION FUND ACCOUNT (note 3)		
Cash in bank	138	43
Funds invested (schedule A)	<u>47,487</u>	<u>39,787</u>
	<u>47,625</u>	<u>39,830</u>
	<u>\$ 410,053</u>	<u>\$ 369,580</u>
<u>LIABILITIES</u>		
ESTATES AND TRUSTS		
Patients' estates	\$ 268,395	\$ 247,227
Crown estates	32,453	26,238
Special trusts and charities	24,770	21,859
Probable escheats (note 4)	10,466	11,420
Deceased persons' estates	9,853	7,887
Cemetery trusts	7,388	6,646
Corporate estates	6,349	6,098
Crown companies	1,544	1,170
Unclaimed balances	1,069	1,050
Indian trusts	87	101
Child welfare trusts	54	54
	<u>362,428</u>	<u>329,750</u>
ADMINISTRATION FUND ACCOUNT (note 3)		
Current liabilities	640	553
Assurance Fund (note 5)	200	200
Surplus	<u>46,785</u>	<u>39,077</u>
	<u>47,625</u>	<u>39,830</u>
	<u>\$ 410,053</u>	<u>\$ 369,580</u>

See accompanying schedules and notes to financial statements.

On behalf of the Public Trustee:


Acting Public Trustee


Acting Deputy Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURE

YEAR ENDED MARCH 31, 1988

	1988 (\$000's)	1987 (\$000's)
REVENUE		
Fees Collected		
Patients' estates	5,393	5,361
Crown estates	695	673
Special trusts	224	150
Probable escheats	109	128
Deceased persons' estates	159	160
Charities	28	67
Cemetery trusts	32	36
Crown companies	56	59
Corporate estates	32	33
	<hr/> 6,728	<hr/> 6,667
Bank interest	20	22
Income from funds invested, net (schedule B)	7,676	6,830
	<hr/> 14,424	<hr/> 13,519
EXPENDITURE		
Salaries and wages	4,810	4,343
Employee benefits (Note 6)	619	557
Services	844	825
Supplies and equipment	315	140
Transportation and communication	128	96
	<hr/> 6,716	<hr/> 5,961
EXCESS OF REVENUE OVER EXPENDITURE	<hr/> 7,708	<hr/> 7,558

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1988

	1988 (\$000's)	1987 (\$000's)
BALANCE, BEGINNING OF YEAR	39,077	31,519
Excess of revenue over expenditure	7,708	7,558
BALANCE, END OF YEAR	<hr/> 46,785	<hr/> 39,077

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1988

SCHEDULE A

	1988 (\$000's)	1987 (\$000's)
Short term investments	158,941	141,074
Bonds (schedule C)	8,241	15,031
Accrued interest	8,226	4,987
Cash in bank	397	313
	<u>175,805</u>	<u>161,405</u>
Allocated as follows:		
Estates and Trusts	128,318	121,618
Administration Fund account (note 3)	47,487	39,787
	<u>175,805</u>	<u>161,405</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1988

SCHEDULE B

	1988 (\$000's)	1987 (\$000's)
Interest earned on investments	14,877	13,212
Interest earned on bank accounts	391	336
	<u>15,268</u>	<u>13,548</u>
Deduct interest allowed	7,592	6,718
Income from funds invested, net	<u>7,676</u>	<u>6,830</u>

DETAILS OF BONDS

AS AT MARCH 31, 1988

SCHEDULE C

	1988 (\$000's)	1987 (\$000's)
Ontario Hydro	8,241	9,991
Government of Canada	—	5,040
Amortized cost	<u>8,241</u>	<u>15,031</u>
Par value	<u>8,200</u>	<u>14,950</u>
Market value	<u>8,111</u>	<u>15,503</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED MARCH 31, 1988

1. GENERAL

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- the management of estates of mentally incompetent individuals;
- the administration of estates of persons who die in Ontario intestate and without next-of-kin;
- the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence; and
- a general supervisory role over charities.

2. SIGNIFICANT ACCOUNTING POLICIES

(a) BASIS OF ACCOUNTING

Fees collected and bank interest are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional twenty-two days to pay for debts incurred during the fiscal year ended. Net income from funds invested is recorded on an accrual basis.

(b) FUNDS INVESTED

Funds are invested in income producing short term investments or bonds which are normally held until maturity. These securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

(c) STOCKS AND BONDS OF ESTATES AND TRUSTS

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over the Estates and Trusts with an annual adjustment to market value at December 31 each year. The bonds of Cemetery Trusts are valued at par.

(d) REAL ESTATE

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

(e) LIFE INSURANCE

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to valuation every two years.

(f) FIXED ASSETS

Fixed assets are recorded as expenditures when purchased.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS (Continued)

YEAR ENDED MARCH 31, 1988

3. ADMINISTRATION FUND ACCOUNT

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the Office of the Public Trustee are paid from the Administration Fund.

The Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund.

4. FUNDS ESCHEATED TO THE CROWN

The Public Trustee is authorized by the Escheats Act to take possession of unclaimed property reverting to the Crown under the Succession Law Reform Act, Business Corporations Act or common law. After a period of ten years, any property so received by the Public Trustee which remains unclaimed, is transferred to the Consolidated Revenue Fund of the Province.

During 1987-88, \$1,250,380 (1986-87, \$1,784,012) was transferred to the Province.

5. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the Office of the Public Trustee might become liable. Accordingly, this fund has been established at \$200,000 by transfers from the Administration Fund.

6. PENSION PLAN

The Public Trustee provides pension benefits for substantially all permanent employees through participation in the Public Service Superannuation Fund and Superannuation Adjustment Fund established by the Province of Ontario. The Public Trustee's share of contributions to these Funds during the year was \$178,630 (1987 - \$174,140). This amount represents the total obligation of the Office of the Public Trustee and is included in employee benefits in the Statement of Revenue and Expenditure.



OFFICE OF THE PROVINCIAL AUDITOR

Box 105, 15th Floor, 20 Dundas St. West

Toronto, Ontario M5G 2C2

(416) 974-9866

To the Public Trustee of the Province of Ontario and
to the Attorney General.

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1988 and the statements of revenue and expenditure and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1988 and the results of operations for the year then ended in accordance with the accounting policies described in note 2 to the financial statements applied on a basis consistent with that of the preceding year.

Toronto, Ontario,
June 24, 1988.

A handwritten signature in cursive script, reading "D.F. Archer".

D.F. ARCHER, F.C.A.,
Provincial Auditor.

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1988</u> <u>(\$000's)</u>	<u>1987</u> <u>(\$000's)</u>
Assets under Administration	\$ 410,053	\$ 369,580
Revenue	14,424	13,519
Operating Expenses	6,716	5,961
Excess of Revenue over Expenditure	7,708	7,558
Surplus	46,785	39,077
Cash Receipts	147,049	143,765
Funds Invested by the Public Trustee at Book Value	167,182	156,105
<hr/>		
No. of Files - Estates and Trusts	23,000	23,000
No. of Files - Charities	47,000	44,000
No. of Staff - Permanent	152	154
- Contract	7	1

STATUTES AFFECTING THE PUBLIC TRUSTEE

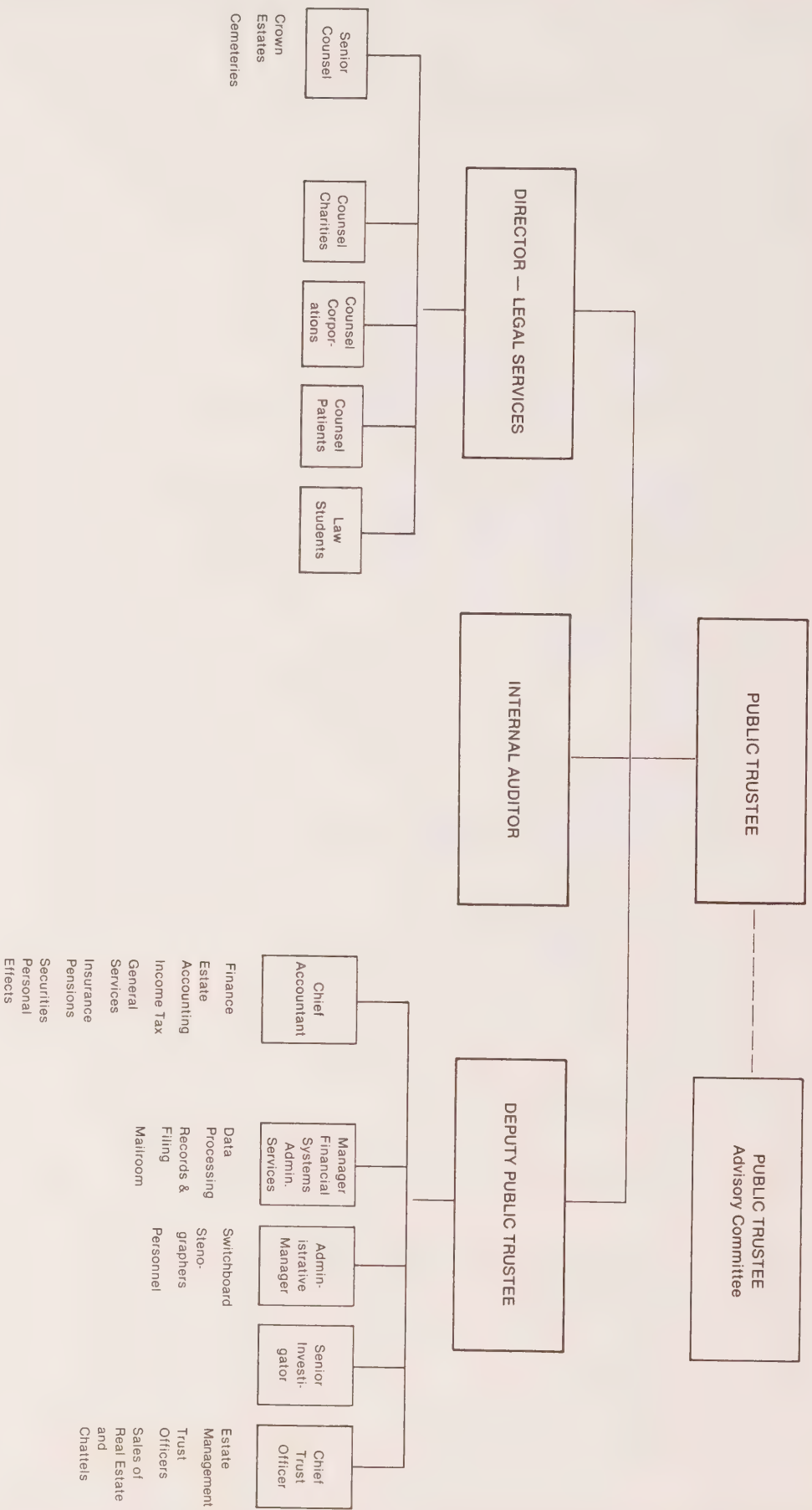
ONTARIO

Bulk Sales Act - R.S.O. 1980, c.52
Business Corporations Act - S.O. 1982, c.4
City of Toronto Act - S.O. 1981, c.5-1
Cemeteries Act - R.S.O. 1980, c.59
Charitable Gifts Act - R.S.O. 1980, c.63
Charities Accounting Act - R.S.O. 1980, c.65, as amended
Compensation for Victims of Crime Act - R.S.O. 1980, c.82
Co-operative Corporations Act - R.S.O. 1980, c.91, as amended
Corporations Act - R.S.O. 1980, c.95, as amended
Courts of Justice Act - S.O. 1984, c.11, as amended, and Rules of Civil Procedure
Crown Administration of Estates Act - R.S.O. 1980, c.105
Developmental Services Act - R.S.O. 1980, c.118 as amended
Escheats Act - R.S.O. 1980, c.142
Estates Administration Act - R.S.O. 1980, c.143, as amended
Family Benefits Act - R.S.O. 1980, c.151
Family Law Act - S.O. 1986, c.4
Homes for Special Care Act - R.S.O. 1980, c.202
Human Tissue Gift Act - R.S.O. 1980, c.210
Loan and Trust Corporations Act - S.O. 1987, c.33
Mental Health Act - R.S.O. 1980, c.262, as amended
Mental Hospitals Act - R.S.O. 1980, c.263
Municipal Tax Sales Act - S.O. 1984, c.48
Powers of Attorney Act - R.S.O. 1980, c.386, as amended
Public Trustee Act - R.S.O. 1980, c.422
Religious Organizations' Lands Act - R.S.O. 1980, c.448
Succession Law Reform Act - R.S.O. 1980, c.488, as amended
Surrogate Courts Act - R.S.O. 1980, c.491, as amended
Trustee Act - R.S.O. 1980, c.512, as amended
Workers' Compensation Act - R.S.O. 1980, c.539, as amended

BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act - R.S.C. 1970, c.V-1
2. Indian Act - R.S.C. 1970, c.I-6, as amended
3. Absentees Act - R.S.O. 1980, c.3
4. Expropriations Act - R.S.O. 1980, c.148
5. Mental Incompetency Act - R.S.O., c.264, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



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Document
Publication



Ontario

Ministry of the
Attorney
General

**Public Trustee
Sixty-Ninth
Annual Report**

March 31, 1989

THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO
SIXTY-NINTH ANNUAL REPORT
MARCH 31, 1989



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SIXTY-NINTH ANNUAL REPORT OF THE PUBLIC TRUSTEE OF ONTARIO 1988-1989

The Office of the Public Trustee has had a good year and continues to experience change. Our space has been used in an improved way to accommodate additional staff and we have implemented procedural innovations which have improved efficiency and service to our clientele.

The Trust Administration Division (estates of financially incompetent persons) administers 14,800 estates and a total client asset value of 316 million dollars. On April 1st, 1989, the Personal Needs Allowance programme was infused into this system, increasing our workload substantially. A new "Asset Administration" Section has been developed to concentrate the maintenance of our clients' assets under one supervisor. This will ensure more thorough and timely response to the care of these assets. For the first time in the history of the office, all 20,000 Income Tax Returns which are filed for the trusts and estates, were prepared "in-house" on our own computers with adapted software. A new 'on-line computer' system to be installed over the next year will improve service immensely and ease workload. A caring commitment by a superb staff in this Division results in thoughtful and empathic services.

The Estates Administration Division (estates of deceased persons) has 2,290 estates under its administration. 50% of these will be distributed to heirs all over the world. Often complex heirship issues must be taken to court to establish a claimant's entitlement. We are contemplating the creation of an independent 'Heirship Advisory Committee' to assist the Public Trustee in analyzing foreign claimants' heirship without the need to resort to court proceedings. Often estates are small enough that a denied claim results in an abandoned estate which would then pass to the use of the Crown creating a conflict of interest for the Public Trustee.

The Charities Division has been active. A new Manual has been published and is designed to better inform applicants for incorporation of charities about the Law of Charities and the compliance requirements. Meetings have been held with the Charities Division of Revenue Canada with a view to establishing a common approach to financial reporting and policies for charities in Ontario. The reference to the Law Reform Commission by the Attorney General was a welcome step in causing the review and modernization of this most interesting area of the law. Our computer database has been increased to over 18,000 charities allowing for a more thorough and even application of the law.

The Corporations Division is very active with 380 new files in the current fiscal period. This Division has overseen proposed amendments to two areas of corporate legislation and meetings have been held with the Ministry of Municipal Affairs personnel to speed the process of the sale of defunct corporate assets under tax sales. In managing forfeited assets this Division deals with a wide variety of legal issues involving corporate assets, creditors and Crown interests.

Perhaps the most interesting enlargement of the duties of the Public Trustee lies in the recent amendments under the Public Hospitals Act which resulted in the creation and development of the Substitute Consent Division. The Public Trustee acts as the last resort substitute for consent for medical or dental treatment for mentally incompetent patients requiring such treatment as a patient of a Public Hospital. The responsibility has legal, medical and administrative challenges that have made this work extremely interesting. This is the first opportunity to develop experience in this expanding field and quantify the demand.

What lies ahead? The administration of the Province's Unclaimed Property Legislation should be set up in the next fiscal year and will be administered by the Office of the Public Trustee. Guardianship Legislation, while yet to be resolved, remains a constant interest of this office. New bankers and new procedures for handling real estate, income tax returns, and possibly an early study on satellite offices are all projects under way currently.

The office has been wonderfully supported over the past year by the Ministry of the Attorney General's central service branches such as Finance, Facilities, Systems and Human Resources for which I would like to express my thanks. We have been well served by their thoughtful and timely responses to our needs.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'H. Paisley', with a stylized flourish at the end.

Hugh S.D. Paisley,
PUBLIC TRUSTEE


THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1989

	1989 <u>ASSETS</u> (\$000's)	1988 (\$000's)
ESTATES AND TRUSTS		
Cash in bank	308	269
Bonds	206,961	180,773
Funds invested (schedule A)	141,918	128,318
Real estate (note 7)	50,951	34,043
Stocks	11,289	10,466
Mortgages receivable	1,812	1,561
Life insurance	2,537	2,615
Miscellaneous	5,937	5,232
	<u>421,713</u>	<u>363,277</u>
Deduct mortgages payable	974	849
	<u>420,739</u>	<u>362,428</u>
 ADMINISTRATION FUND (note 3)		
Cash in bank	195	138
Funds invested (schedule A)	56,687	47,487
	<u>56,882</u>	<u>47,625</u>
	<u>477,621</u>	<u>410,053</u>
	 <u>LIABILITIES</u>	
ESTATES AND TRUSTS		
Patients' estates	315,576	268,395
Crown estates	38,150	32,453
Special trusts and charities	29,146	24,770
Probable escheats (note 4)	10,477	10,466
Deceased persons' estates	10,463	9,853
Cemetery trusts	7,652	7,388
Corporate estates	6,252	6,349
Crown companies	1,751	1,544
Unclaimed balances	1,137	1,069
Indian trusts	84	87
Child welfare trusts	51	54
	<u>420,739</u>	<u>362,428</u>
 ADMINISTRATION FUND (note 3)		
Current liabilities	859	640
Assurance fund (note 5)	200	200
Surplus	55,823	46,785
	<u>56,882</u>	<u>47,625</u>
	<u>477,621</u>	<u>410,053</u>

See accompanying schedules and notes to financial statements.

On behalf of the Public Trustee:


Public Trustee


Deputy Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURE

YEAR ENDED MARCH 31, 1989

	1989 (\$000's)	1988 (\$000's)
REVENUE		
Fees collected		
Patients' estates	5,589	5,393
Crown estates	518	695
Special trusts	353	224
Probable escheats	15	109
Deceased persons' estates	158	159
Charities	34	28
Cemetery trusts	34	32
Crown companies	59	56
Corporate estates	18	32
	<u>6,778</u>	<u>6,728</u>
Bank interest	35	20
Income from funds invested, net (schedule B)	9,361	7,676
	<u>16,174</u>	<u>14,424</u>
 EXPENDITURE		
Salaries and wages	5,259	4,810
Employee benefits (note 6)	619	619
Services	808	844
Supplies and equipment	231	315
Transportation and communication	219	128
	<u>7,136</u>	<u>6,716</u>
 EXCESS OF REVENUE OVER EXPENDITURE	<u>9,038</u>	<u>7,708</u>

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1989

	1989 (\$000's)	1988 (\$000's)
Balance, beginning of year	46,785	39,077
Excess of revenue over expenditure	9,038	7,708
Balance, end of year	<u>55,823</u>	<u>46,785</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1989

	SCHEDULE A	
	1989 (\$000's)	1988 (\$000's)
Short term investments	136,148	158,941
Bonds (schedule C)	52,942	8,241
Accrued interest	9,077	8,226
Cash in bank	438	397
	<u>198,605</u>	<u>175,805</u>
Allocated as follows:		
Estates and Trusts	141,918	128,318
Administration Fund (note 3)	56,687	47,487
	<u>198,605</u>	<u>175,805</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1989

	SCHEDULE B	
	1989 (\$000's)	1988 (\$000's)
Interest earned on investments	16,951	14,877
Interest earned on bank accounts	550	391
	17,501	15,268
Deduct interest allowed	8,140	7,592
Income from funds invested, net	<u>9,361</u>	<u>7,676</u>

DETAILS OF BONDS

AS AT MARCH 31, 1989

	SCHEDULE C	
	1989 (\$000's)	1988 (\$000's)
Ontario Hydro	29,994	8,241
Provincial Governments	6,889	—
Bank mortgage bonds	16,059	—
	<u>52,942</u>	<u>8,241</u>
Amortized cost	<u>52,942</u>	<u>8,241</u>
Par value	<u>52,900</u>	<u>8,200</u>
Market value	<u>51,666</u>	<u>8,111</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

MARCH 31, 1989

1. GENERAL

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- the management of estates of mentally incompetent individuals;
- the administration of estates of persons who die in Ontario intestate and without next-of-kin;
- the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence; and
- a general supervisory role over charities.

2. SIGNIFICANT ACCOUNTING POLICIES

(a) BASIS OF ACCOUNTING

Fees collected, bank interest and expenditure are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional thirty days to pay for debts incurred during the fiscal year just ended. Net income from funds invested is recorded on an accrual basis.

(b) FUNDS INVESTED

Funds are invested in income producing short term investments or bonds which are normally held until maturity. These securities are recorded at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

(c) STOCKS AND BONDS OF ESTATES AND TRUSTS

Stocks and bonds for all Estates and Trusts, except Cemetery Trusts, are recorded at the value of the stocks and bonds at the time of taking over the Estates and Trusts with an annual adjustment to market value at December 31 each year. The bonds of Cemetery Trusts are valued at par.

(d) REAL ESTATE

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

(e) LIFE INSURANCE

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to valuation every two years.

(f) FIXED ASSETS

Fixed assets are recorded as expenditures when purchased.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS (Continued)

YEAR ENDED MARCH 31, 1989

3. ADMINISTRATION FUND

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the Office of the Public Trustee are paid from the Administration Fund.

Pursuant to section 9(5) of the Public Trustee Act, the Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund. Subsequent to the year end, \$35 million was transferred from the Fund in May 1989 to the Consolidated Revenue Fund.

4. FUNDS ESCHEATED TO THE CROWN

The Public Trustee is authorized by the Escheats Act to take possession of unclaimed property reverting to the Crown under the Succession Law Reform Act, Business Corporations Act or common law. After a period of ten years, any property so received by the Public Trustee which remains unclaimed, is transferred to the Consolidated Revenue Fund of the Province.

During the year, \$8,000 (1988 - \$1,250,380) was transferred to the Province.

5. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the Office of the Public Trustee might become liable. Accordingly, this fund has been established at \$200,000 by transfers from the Administration Fund.

6. PENSION PLAN

The Office of the Public Trustee provides pension benefits for substantially all its permanent employees through participation in the Public Service Superannuation Fund and Superannuation Adjustment Fund established by the Province of Ontario. The Office's share of contributions to these Funds during the year was \$185,402 (1988 - \$178,630). This amount represents the total obligation of the Office of the Public Trustee and is included in employee benefits in the Statement of Revenue and Expenditure.

7. REAL ESTATE AND REVALUATION PROJECT

Due to the high volatility of the Ontario real estate market, property values change after their initial incorporation. Many properties have not been revalued in recent years. The Office of the Public Trustee now has a project underway to revalue properties under its administration. This project is expected to be completed by 1991.



OFFICE OF THE PROVINCIAL AUDITOR

Box 105, 15th Floor, 20 Dundas St. West
Toronto, Ontario M5G 2C2
(416) 974-9866

To the Public Trustee of the Province of Ontario and
to the Attorney General.

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1989 and the statements of revenue and expenditure and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1989 and the results of operations for the year then ended in accordance with the accounting policies described in note 2 to the financial statements applied on a basis consistent with that of the preceding year.

Toronto, Ontario,
June 20, 1989.

A handwritten signature in cursive script, reading "D.F. Archer".

D.F. Archer, F.C.A.,
Provincial Auditor.

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1989</u> <u>(\$000's)</u>	<u>1988</u> <u>(\$000's)</u>
Assets under Administration	477,621	410,053
Revenue	16,174	14,424
Operating Expenses	7,136	6,716
Excess of Revenue over Expenditure	9,038	7,708
Surplus	55,823	46,785
Cash Receipts	152,903	147,049
Funds Invested by the Public Trustee at Book Value	189,090	167,182
<hr/>		
No. of Files - Estates and Trusts	24,000	23,000
No. of Files - Charities	51,000	47,000
No. of Staff - Permanent	172	152
Contract	7	7

STATUTES AFFECTING THE PUBLIC TRUSTEE

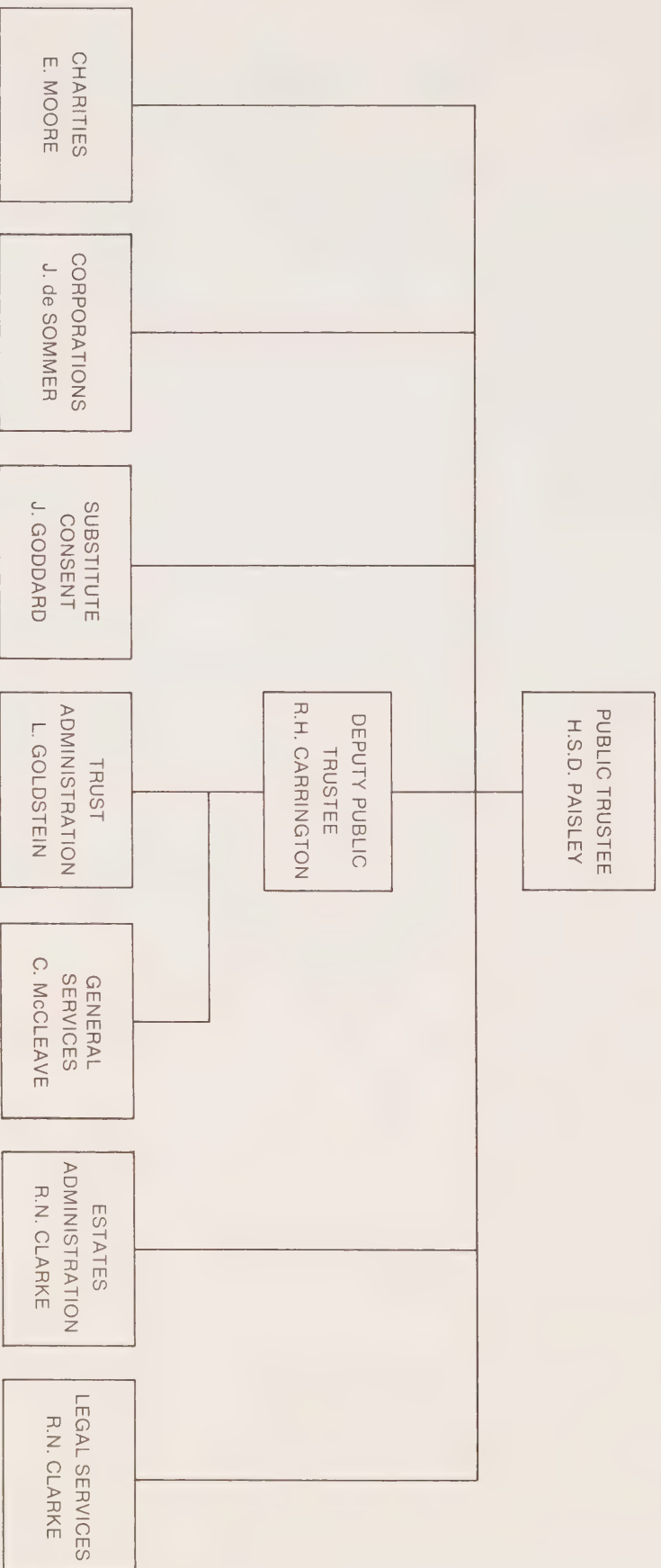
ONTARIO

Bulk Sales Act - R.S.O. 1980, c.52
Business Corporations Act - S.O. 1982, c.4
City of Toronto Act - S.O. 1981, c.5-1
Cemeteries Act - R.S.O. 1980, c.59
Charitable Gift Act - R.S.O. 1980, c.63
Charities Accounting Act - R.S.O. 1980, c.65, as amended
Compensation for Victims of Crime Act - R.S.O. 1980, c.82
Co-operative Corporations Act - R.S.O. 1980, c.91, as amended
Corporations Act - R.S.O. 1980, c.95, as amended
Courts of Justice Act - S.O. 1984, c.11, as amended, and Rules of Civil Procedure
Crown Administration of Estates Act - R.S.O. 1980, c.105
Developmental Services Act - R.S.O. 1980, c.118 as amended
Escheats Act - R.S.O. 1980, c.142
Estates Administration Act - R.S.O. 1980, c.143, as amended
Family Benefits Act - R.S.O. 1980, c.151
Family Law Act - S.O. 1986, c.4
Homes for Special Care Act - R.S.O. 1980, c.202
Human Tissue Gift Act - R.S.O. 1980, c.210
Loan and Trust Corporations Act - S.O. 1987, c.33
Mental Health Amendment Act - 1967, c.49-51
Mental Hospitals Act - R.S.O. 1980, c.263
Municipal Tax Sales Act - S.O. 1984, c.48
Powers of Attorney Act - R.S.O. 1980, c.386, as amended
Public Hospitals Act - R.O. 518-88
Public Trustee Act - R.S.O. 1980, c.422
Religious Organizations' Lands Act - R.S.O. 1980, c.448
Succession Law Reform Act - R.S.O. 1980, c.488, as amended
Surrogate Courts Act - R.S.O. 1980, c.491, as amended
Trustee Act - R.S.O. 1980, c.512, as amended
Workers' Compensation Act - R.S.O. 1980, c.539, as amended

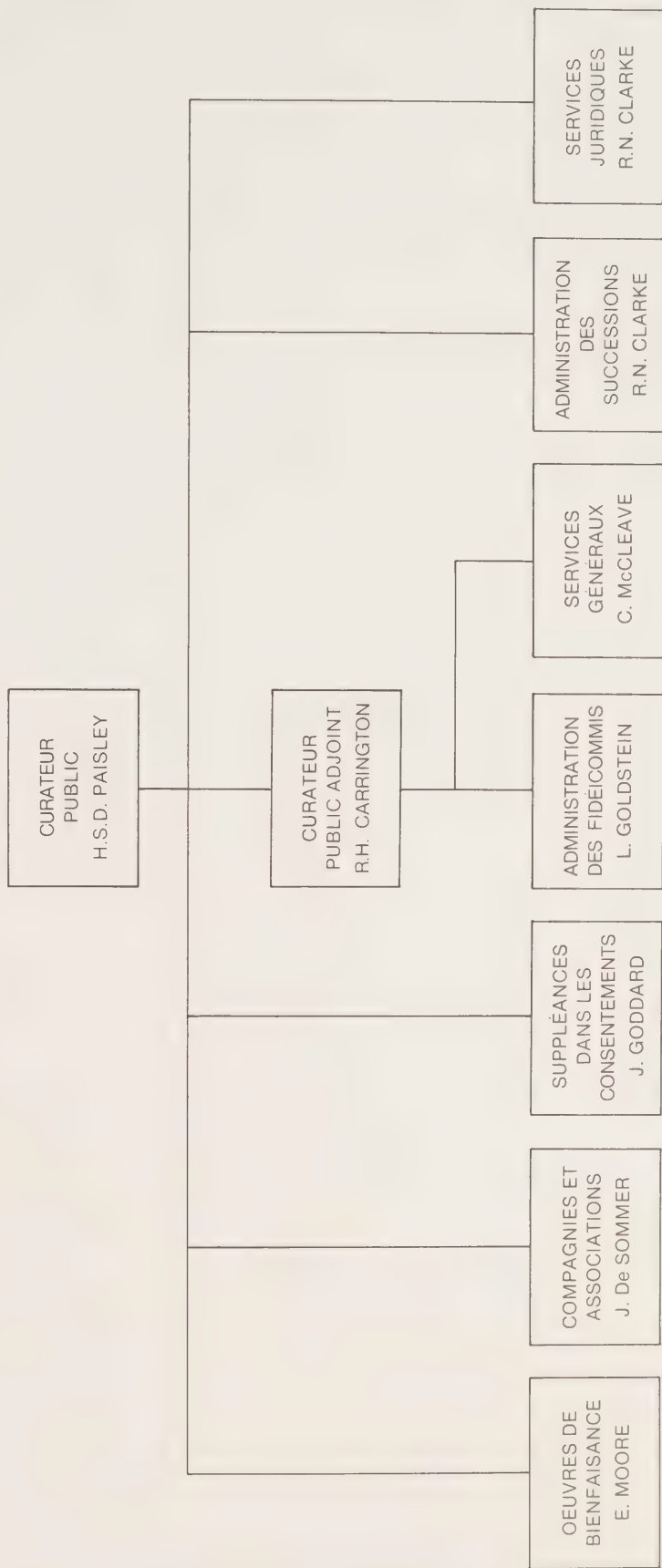
BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act - R.S.O. 1970, c.V-1
2. Indian Act - R.S.O. 1970, c.1-6, as amended
3. Absentees Act - R.S.O. 1980, c.3
4. Expropriations Act - R.S.O. 1980, c.148
5. Mental Incompetency Act - R.S.O. 1980, c. 264, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



ORGANIGRAMM - BUREAU DU CURATEUR PUBLIC



LOIS AFFECTANT LE BUREAU DU CURATEUR PUBLIC

ONTARIO

Loi sur les accidents du travail - L.R.O. 1980, ch. 539, telle que modifiée

Loi sur l'administration des successions par la Couronne - L.R.O. 1980, ch. 105

Loi sur l'administration des successions - L.R.O. 1980, ch. 143, telle que modifiée

Loi sur les biens en déshérence - L.R.O. 1980, ch. 142

Loi sur les biens-fonds des organismes religieux - L.R.O. 1980, ch. 448

Loi sur les cimetières - L.R.O. 1980, ch. 59

Loi sur les compagnies - L.O. 1982, ch. 4

Loi sur les compagnies et associations - L.R.O. 1980, ch. 95, telle que modifiée

Loi sur les compagnies de prêt et de fiducie - L.O. 1987, ch. 33

Loi sur la comptabilité des oeuvres de bienfaisance - L.R.O. 1980, ch. 65, telle que modifiée

Loi sur la contestation de l'évaluation foncière dans la cité de Toronto - L.O. 1981, ch. 5-1

Loi sur les coopératives - L.R.O. 1980, ch. 91, telle que modifiée

Loi sur les cours des successions - L.R.O. 1980, ch. 491, telle que modifiée

Loi sur le curateur public - L.R.O. 1980, ch. 422

Loi sur les dons de bienfaisance - L.R.O. 1980, ch. 63

Loi sur le don de tissus humains - L.R.O. 1980, ch. 210

Loi sur le droit de la famille - L.O. 1986, ch. 4

Loi sur les fiduciaires - L.R.O. 1980, ch. 512, telle que modifiée

Loi sur les foyers de soins spéciaux - L.R.O. 1980, ch. 202

Loi sur les hôpitaux psychiatriques - L.R.O. 1980, ch. 263

Loi sur l'hopitaux publics R.O. 518-88

Loi sur l'indemnisation des victimes d'actes criminels - L.R.O. 1980, ch. 82

Loi sur les prestations familiales - L.R.O. 1980, ch. 151

Loi sur les procurations - L.R.O. 1980, ch. 386, telle que modifiée

Loi portant réforme au droit des successions - L.R.O. 1980, ch. 488, telle que modifiée

Loi modifiant la Loi sur la santé mentale - 1967, ch. 49-51

Loi sur les services aux déficients mentaux - L.R.O. 1980, ch. 118, telle que modifiée

Loi sur les tribunaux judiciaires - L.O. 1984, ch. 11, telle que modifiée, et règlements de procédure civile

Loi sur la vente en bloc - L.R.O. 1980, ch. 52

Loi sur les ventes pour impôts municipaux - L.O. 1984, ch. 48

PAR AUTORISATION, LE CURATEUR PUBLIC ACCEPTE LES FIDÉICOMMIS CONFORMÉMENT À LA:

1. Loi sur le ministère des Affaires des anciens combattants - R.S.O. 1970, ch. V-1

2. Loi sur les services sociaux dispensés aux Indiens - L.R.O. 1970, ch. 1-6, telle que modifiée

3. Loi sur les absents - L.R.O. 1980, ch. 3

4. Loi sur l'expropriation - L.R.O. 1980, ch. 148

5. Loi sur l'incapacité mentale - L.R.O. 1980, ch. 264, telle que modifiée

ANALYSE STATISTIQUE

Au 31 mars

1989
1988
(en milliers de dollars)

Avoirs administrés	477 621	410 053
Revenu	16 174	14 424
Dépenses de fonctionnement	7 136	6 716
Excédent du revenu sur les dépenses	9 038	7 708
Excédent	55 823	46 785
Encaissements	152 903	147 049
Fonds placés par le curateur public à la valeur comptable	189 090	167 182
<hr/>		
Nbre de dossiers - Successions et fidéicommiss	24 000	23 000
Nbre de dossiers - Oeuvres de bienfaisance	51 000	47 000
Nbre d'employés - Permanents	172	152
A contrat	7	7



BUREAU DU VERIFICATEUR PROVINCIAL

C.P. 105, 20, rue Dundas, 15 étage

Toronto (Ontario) M5G 2C2

(416) 974-9866

Au Curateur public de la province de l'Ontario
et au procureur général

J'ai vérifié le bilan du Curateur public de la province de l'Ontario au 31 mars 1989 ainsi que les états des revenus et dépenses et de l'excédent pour l'exercice terminé à cette date. Ma vérification a été effectuée conformément aux normes de vérification généralement reconnues, et a comporté par conséquent les sondages et autres procédés que j'ai jugés nécessaires dans les circonstances.

À mon avis, ces états financiers présentent fidèlement la situation financière du Curateur public de la province de l'Ontario au 31 mars 1989 ainsi que les résultats de ses opérations pour l'exercice terminé à cette date, selon les conventions comptables énoncées à la note 2 des états financiers, appliquées de la même manière qu'au cours de l'exercice précédent.

D.F. Archer, f.c.a.

Vérificateur provincial

Toronto (Ontario)
le 20 juin 1989

(f) IMMOBILISATIONS

Les immobilisations sont inscrites en charges au moment de leur acquisition.

3. COMPTE DU FONDS D'ADMINISTRATION

Le fonds d'administration est le compte d'exploitation du Curateur public. Il est alimenté par les honoraires que perçoit le Curateur en contrepartie des services rendus pour chaque succession ou patrimoine, conformément aux dispositions de la Loi sur le Curateur public.

Les excédents de trésorerie du Fonds d'administration qui ne sont pas nécessaires à l'exploitation sont investis, tout comme les liquidités des successions et des fonds en fiducie. Les revenus d'intérêt nets de ces placements sont virés au compte du Fonds d'administration, après déduction des intérêts perçus sur les fonds des successions et des fonds en fiducie, conformément aux dispositions de la loi.

Le Fonds d'administration sert également au règlement de tous les frais d'exploitation encourus par le Bureau du Curateur public.

Conformément à l'article 9(5) de la Loi sur le Curateur public, le lieutenant-gouverneur en conseil peut, de temps à autre, ordonner le virement de tout solde créditeur du Fonds d'administration au compte du Fonds consolidé du revenu de la province. En mai 1989, 35 millions de dollars ont été transférés du Fonds d'administration au Fonds consolidé du revenu.

4. FONDS DÉVOLUS À L'ÉTAT

La Loi sur les biens en désherence autorise le Curateur public à prendre possession des biens vacants échus par droit à l'État, conformément aux dispositions de la Loi portant réforme du droit des successions, de la Loi sur les compagnies, ou en vertu de la common law. Les biens non réclamés au bout de 10 ans sont affectés au Fonds consolidé du revenu de la province.

Les sommes ainsi acquises par la province se sont élevées, au cours de l'exercice, à 8 000 \$ (1 250 380 \$ en 1988).

5. CAISSE D'ASSURANCE

Le loi dispose que le Bureau du Curateur public est tenu de constituer une caisse d'assurance en vue de se protéger contre certains risques qu'il peut avoir à assumer. La somme de 200 000 \$, prélevée sur le Fonds d'administration, a été virée à ce compte.

6. RÉGIME DE RETRAITE

Le Curateur public contribue au Régime de retraite des fonctionnaires et au Fonds d'indexation des pensions de retraite de la province de l'Ontario, auxquels la plupart des ses employés permanents participent. La contribution du Curateur public à ces caisses de retraite se chiffre à 185 402 \$ (178 630 \$ en 1988) pour l'exercice. Ce montant représente l'engagement total du Curateur public et est compris au poste des avantages sociaux de l'état des revenus et dépenses.

7. BIENS IMMOBILIERS ET PROJET DE RÉÉVALUATION

À cause du marché immobilier inconstant de l'Ontario, la valeur des biens a changé depuis leur constitution initiale. Plusieurs biens n'ont pas été réévalués ces dernières années. Le Bureau du Curateur public a entrepris un projet de réévaluation des biens qu'il gère. Ce projet doit se terminer en 1991.

31 MARS 1989

1. GÉNÉRALITÉS

En vertu d'un certain nombre de lois, le Curateur public est investi de plusieurs fonctions, qui comprennent essentiellement les responsabilités suivantes:

- la gestion des biens des incapables mentaux;
- l'administration de la masse successorale d'individus décédés en Ontario sans testament et n'ayant plus aucun proche parent;
- la gestion des biens vacants ou ayant appartenu à une société dissoute, dévolus à l'État conformément aux dispositions de la Loi sur les biens en désherence;
- une fonction générale de surveillance de l'activité des sociétés de bienfaisance.

2. PRINCIPALES CONVENTIONS COMPTABLES

(a) MÉTHODE DE COMPTABILITÉ

Les droits perçus, les intérêts bancaires et les charges sont inscrits selon la méthode de la comptabilité de caisse, modifiée de façon à accorder 30 jours supplémentaires pour le paiement des dettes contractées au cours de l'exercice écoulé. Les produits financiers des placements effectués sont enregistrés selon la méthode de la comptabilité d'exercice.

(b) PLACEMENTS

Les fonds servent à effectuer des placements temporaires productifs de revenus ou à acquérir des obligations généralement détenues jusqu'à l'échéance. Ces titres sont comptabilisés au coût d'acquisition, ajusté en fonction de l'amortissement des primes ou des escomptes d'émission échelonné jusqu'à la date d'échéance.

(c) ACTIONS ET OBLIGATIONS DES SUCCESSIONS ET DES FONDS EN FIDUCIE

Les actions et les obligations se rapportant à toutes les successions et fonds en fiducie, à l'exception des fonds en fiducie pour cimetières, sont inscrites à la valeur qu'avaient les titres au moment de l'acquisition, compte tenu d'une correction annuelle à la valeur marchande effectuée le 31 décembre de chaque année. Les obligations des fonds en fiducie pour cimetières sont comptabilisées au pair.

(d) BIENS IMMOBILIERS

Les biens immobiliers sont inscrits à leur valeur d'expertise au moment de la constitution du fonds et font l'objet de réévaluations périodiques.

(e) ASSURANCE-VIE

Les contrats d'assurance-vie sont inscrits à leur valeur de rachat nette au moment de la constitution du fonds et sont réévalués tous les deux ans.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

DÉTAILS DES PLACEMENTS

AU 31 MARS 1989

Placements à court terme	136 148	158 941
Obligations (annexe C)	52 942	8 241
Intérêts courus	9 077	8 226
Fonds en banque	438	397
Répartis comme suit:		
Successions et fonds en fiducie	141 918	128 318
Compte du Fonds d'administration (note 3)	56 687	47 487
	198 605	175 805

ANNEXE A

1989 1988

(en milliers de dollars)

REVENUS DE PLACEMENTS

EXERCICE TERMINÉ LE 31 MARS 1989

Intérêts sur placements	16 951	14 877
Intérêts sur comptes en banque	550	391
Retrancher l'allocation pour intérêts	17501	15 268
Revenus nets de placements	9 361	7 676

ANNEXE B

1989 1988

(en milliers de dollars)

DÉTAILS DES OBLIGATIONS

AU 31 MARS 1989

Ontario Hydro	29 994	8 241
Gouvernements provinciaux	6 889	—
Obligations hypothécaires de banques	16 059	—
Coût amorti	52 942	8 241
Valeur nominale	52 900	8 200
Valeur marchande	51 666	8 111

ANNEXE C

1989 1988

(en milliers de dollars)

Voir les notes afférentes aux états financiers.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

REVENUS ET DÉPENSES

EXERCICE TERMINÉ LE 31 MARS 1989

REVENUS		EXERCICE TERMINÉ LE 31 MARS 1989	
		1989	1988
	(en milliers de dollars)		
Droit perçus			
Patrimoines de personnes malades	5 589		
Patrimoines de la Couronne	518		
Fonds en fiducie spéciaux	353		
Biens probablement en déshérence	15		
Successions de personnes décédées	158		
Sociétés de bienfaisance	34		
Fonds en fiducie pour cimetières	34		
Sociétés de la Couronne	59		
Biens appartenant à des sociétés dissoutes	18		
Intérêts bancaires	6 778		
Revenus nets de placements (annexe B)	9 361		
	16 174		
DÉPENSES			
Traitements et salaires	5 259		
Avantages sociaux	619		
Services	808		
Fournitures et matériel	231		
Transports et communications	219		
	7 136		
Excédent des revenus sur les dépenses	9 038		
	7 708		
EXCÉDENT			
EXERCICE TERMINÉ LE 31 MARS 1989			
	1989		1988
	(en milliers de dollars)		
SOLDE AU DÉBUT	46 785		39 077
Excédent des revenus sur les dépenses	9 038		7 708
SOLDE À LA FIN	55 823		46 785

Voir les annexes et notes afférentes aux états financiers.

BILAN AU 31 MARS 1989

ACTIF
1989 1988
(en milliers de dollars)

SUCCESSIONS ET FONDS EN FIDUCIE

Fonds en banque	308	269
Obligations	206 961	180 773
Placements (annexe A)	141 918	128 318
Biens immobiliers (note 7)	50 951	34 043
Actions	11 289	10 466
Créances hypothécaires	1812	1 561
Assurance-vie	2 537	2 615
Divers	5 937	5 232
Emprunts hypothécaires à retrancher	421 713	363 277
	974	849
	420 739	362 428

COMPTE DU FONDS D'ADMINISTRATION (note 3)

Fonds en banque	195	138
Placements (annexe A)	56 687	47 487
	56 882	47 625
	477 621	410 053

PASSIF

SUCCESSIONS ET FONDS EN FIDUCIE

Patrimoines de personnes malades	315 576	268 395
Patrimoines de la Couronne	38 150	32 453
Sociétés de bienfaisance et fonds en fiducie spéciaux	29 146	24 770
Biens probablement en désérence (note 4)	10 477	10 466
Successions de personnes décédées	10 463	9 853
Fonds en fiducie pour cimetières	7 652	7 388
Biens appartenant à des sociétés dissoutes	6 252	6 349
Sociétés de la Couronne	1 751	1 544
Solides non réclamés	1 137	1 069
Fonds en fiducie pour les Indiens	84	87
Fonds en fiducie pour enfants	51	54
	420 739	362 428

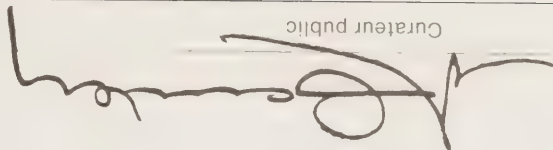
COMPTE DU FONDS D'ADMINISTRATION (note 3)

Passif à court terme	859	640
Caisse d'assurance (note 5)	200	200
Excédent	55 823	46 785
	56 882	47 625
	477 621	410 053

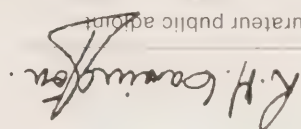
Voir les annexes et notes afférentes aux états financiers.

Au nom du Curateur public,

Curateur public



Curateur public adjoint



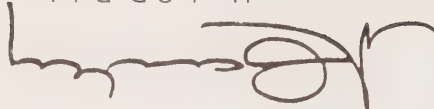
La Division des compagnies et associations est très occupée avec actuellement 380 nouveaux dossiers. Elle a examiné les modifications proposées à deux domaines du droit corporatif et s'est entretenue avec les membres du personnel du ministère des Affaires municipales pour accélérer le processus de vente des actifs sociaux des compagnies dormantes pour les ventes pour impôts. La Division s'occupe des avoirs abandonnés et traite donc de toutes sortes de questions d'ordre juridique mettant en cause l'actif des compagnies ainsi que les intérêts des créanciers et de la Couronne.

Parmi les tâches confiées récemment au curateur public, celle qui est peut-être la plus intéressante concerne les récentes modifications apportées à la *Loi sur les hôpitaux publics*, qui ont abouti à la création et la mise pur pied de la Division des suppléances dans les consentements. Le curateur public fait office de suppléant de dernier recours en ce qui concerne le consentement requis pour le traitement médical ou dentaire administré aux malades d'incapacité mentale ayant besoin d'un tel traitement en tant que malades d'un hôpital public. Les défis d'ordre juridique, médical et administratif que comporte cette tâche l'ont rendue extrêmement intéressante. C'est la première occasion d'accroître notre expérience dans ce domaine en développant et d'évaluer quantitativement la demande.

Que nous réserve l'avenir? Le processus d'application de la législation de la province portant sur les biens non réclamés devrait être mis sur pied lors du prochain exercice et c'est le Bureau du curateur public qui en sera responsable. Ce bureau s'intéresse constamment aux questions d'ordre juridique portant sur la tutelle qui restent à régler. Nous comptons également parmi les projets actuellement en route ceux concernant la nouvelle banque, les nouvelles procédures relatives aux affaires immobilières, aux déclarations d'impôt sur le revenu, et peut-être une prochaine étude sur les bureaux satellites.

Les directions des services centraux du ministère du Procureur général, entre autres la Direction des finances, la Direction des installations, la Direction de la bureautique et la Direction des ressources humaines, ont apporté une contribution remarquable à notre bureau et je tiens à les en remercier. C'est avec beaucoup de soin et de célérité qu'elles ont répondu à nos besoins.

LE CURATEUR PUBLIC,



Hugh S.D. Paisley.



Ontario

Ministère du

Procureur

général

Bureau du

Curateur

public

SOIXANTE-NEUVIÈME RAPPORT ANNUEL DU CURATEUR PUBLIC DE L'ONTARIO 1988-1989

416/362-1331

145, rue Queen ouest

Toronto (Ontario)

M5H 2N8

Le Bureau du curateur public a connu une année fructueuse et il continue d'expérimenter des changements. Nous avons transformé nos bureaux pour accueillir du personnel supplémentaire et avons mis en oeuvre de nouvelles procédures qui nous ont permis d'accroître notre efficacité et d'améliorer les services que nous offrons à nos administrés.

La Division de l'administration des fidéicommiss (biens des personnes incapables de s'occuper de leurs finances) gère 14 800 patrimonies et l'équivalent de 316 millions de dollars d'avoirs. Le 1^{er} avril 1989, le Programme d'allocations de menues dépenses lui a été confié, augmentant considérablement sa charge de travail. Une nouvelle section "Administration des avoirs" a été mise sur pied pour regrouper sous un même superviseur les services chargés de gérer les avoirs des administrés. Pour la première fois dans l'histoire du bureau, les 20 000 déclarations d'impôt sur le revenu déposées pour les fidéicommiss et les successions ont été préparées sur place sur nos propres ordinateurs avec le logiciel approprié. Un nouveau système informatique en direct, qui sera installé l'an prochain, améliorera beaucoup les services et diminuera la charge de travail. Le dévouement du personnel remarquable de la Division s'est traduit par des services attentionnés.

La Division de l'administration des successions (successions des personnes décédées) gère 2 290 successions dont 50 % d'entre elles seront distribuées à des héritiers dans le monde entier. Souvent, il faut s'adresser à un tribunal pour résoudre des questions complexes d'héritage et établir les droits des réclamants. Nous envisageons de créer un "Comité consultatif sur la qualité d'héritier" pour aider le curateur public à examiner la qualité d'héritier des réclamants étrangers sans qu'il soit nécessaire d'avoir recours à un tribunal. Souvent, dans les successions de faible importance, les droits non réclamés aboutissent à l'abandon d'une succession qui devient alors l'usfruit de la Couronne, et crée ainsi un conflit d'intérêts pour le curateur public.

La Division des oeuvres de bienfaisance n'a pas perdu son temps. Elle a publié un nouveau manuel conçu à l'attention des personnes désireuses de soumettre une demande de constitution en personne morale d'oeuvre de bienfaisance afin de mieux les renseigner sur la législation se rattachant aux oeuvres et les conditions requises. Les fonctionnaires de la Division ont rencontré ceux de la Division des organismes de charité de Revenu Canada dans le but d'établir une approche commune en ce qui concerne l'information financière et les politiques relatives aux oeuvres de bienfaisance en Ontario. L'heureuse initiative du procureur général qui a consulté la Commission de réforme du droit a permis d'aboutir à la révision et à la modernisation de cette partie très intéressante du droit. Nous avons ajouté à notre banque de données plus de 18 000 oeuvres de bienfaisance; ce qui permet

d'appliquer la loi d'une façon plus absolue et équitable.

SOIXANTE-NEUVIÈME RAPPORT ANNUEL
DU CURATEUR PUBLIC DE
LA PROVINCE DE L'ONTARIO
31 MARS 1989



Ministère du
du Procureur
général

**Soixante-neuvième
rapport annuel
du Curateur Public
31 Mars 1989**

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Government
Publications



Ministry of
the
Attorney
General

**Public Trustee
Seventieth
Annual Report**
March 31, 1990

THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO
SEVENTIETH ANNUAL REPORT
MARCH 31, 1990



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SEVENTIETH ANNUAL REPORT OF THE PUBLIC TRUSTEE OF ONTARIO 1989-1990

The fiscal year 1989/90 will be the busiest period experienced in the Office of the Public Trustee in recent history. Because of the ongoing computer project converting our existing batch processing system to an on-line system there are a number of 'spin off' projects that have resulted. There are over 40 projects being carried out at this time by our staff of 179, some of which are as follows:

The Computer Project

– a full conversion of our existing batch processing system to an on-line system. This is an eleven month design and construction project with immensely valuable consequences for our clientele and staff.

Financial Services Contract Project

After an extensive tendering competition the Canadian Imperial Bank of Commerce was selected for a long-term, complex financial services contract with wide-ranging benefits to the clients we serve. It will take a full year to implement the new arrangement. There will be a conversion from cumbersome investments in GIC's and CSB's to a more profitable "pool investment" vehicle.

Review of Charities Law and the Preparation of the Public Trustee's Submission to the Ontario Law Reform Commission

This is an 8 month project involving the entire professional staff of the Charities Division. It has resulted in a thorough review of the whole of charities law out of which review have come many exciting recommendations for changes in this area of the law.

Office Structural Changes

Office accommodation projects in the General Services, Data Processing and 7th floor stenographic areas are now in process.

Revaluation of Clients' Real Estate

The title, description and value of all of the clients' 700 (plus), pieces of real estate have been reviewed and upgraded. Properties are located all over Ontario. To protect our clients' interest, a document general registering the Public Trustee's involvement has been placed on all titles.

Jewellery, Coin and Stamp Collections (Evaluation, Sale and Relocation)

Under this project expert evaluators have appraised all of the clients' jewellery, coin and stamp collections. Where appropriate many of these items will be sold, with the balance being transferred to the vaults of the Trust Company for safe keeping under the new Financial Services Agreement.

Passing of Accounts under all Mental Incompetency Orders

This is a Province-wide Project whereby the Public Trustee has prepared close to 100 accounts for review by the courts. The completion of the project will clean up a backlog in this area.

The G.S.T. Impact Project

After extensive efforts to determine the scope of this new tax and its impact on this office we have commissioned our computer consultant to write and install programs to collect and process the tax. A Canada-wide conference of provincial Public Trustees was hosted in Toronto in September to discuss the G.S.T. and the Public Trustees' operations.

Development of the Unclaimed Property Division

Pursuant to new jurisdiction extensive work has been started to develop this new Division. Procedures, forms, computer programs, staffing, are all part of this fascinating new area of work.

Additional Projects

Some additional projects are:

- Charities Financial Reporting document
- Succession Planning Schedule
- Review of Legal Agents
- Unadministered Estates Project
- Nursing Home Audit
- Vacant property review project
- Sale of backlog of Guns and Weapons
- Goods in Storage review
- Debit balances review

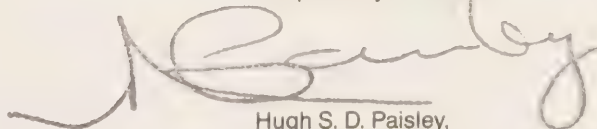
This report is written in this manner to emphasize that all of the foregoing is over and above the full daily routine duties performed by our staff. To achieve success for all of these projects requires willingness by dedicated staff who are working doubly hard because they care very much about the clients this Office serves.

On a routine basis our Trust Administration Division oversees the complex daily financial affairs of 15,000 persons all over Ontario. We prepare and file 21,000 income tax returns annually and issue and process 9,000 cheques monthly. We take in and pay out over 100 million dollars annually. We have over 3,000 estates under administration at any one time. We supervise 35,000 charities in Ontario and conduct close to 500 pieces of litigation throughout the Province.

The Office of the Public Trustee has direct 'street level' contact with some of this Province's most needy citizens. To make a contribution in this way is rewarding. Guardianship legislation in the future will enhance that contribution.

In conclusion, I would like to thank my staff for their sincere effort and commitment to making the office a success; and also to all the many persons and sources both in and out of government who contribute to the office's needs.

Respectfully submitted,



Hugh S. D. Paisley,
PUBLIC TRUSTEE
(for the Province of Ontario)

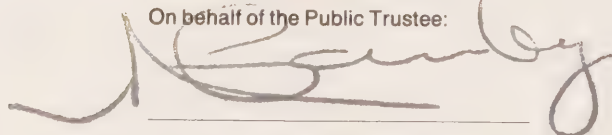
THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1990

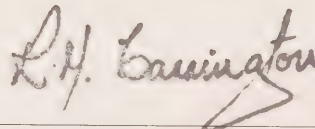
	1990	1989
<u>ASSETS</u>	<u>(\$000's)</u>	<u>(\$000's)</u>
ESTATES AND TRUSTS		
Cash in bank	312	308
Bonds	219,919	206,961
Funds invested (schedule A)	154,468	141,918
Real estate (note 7)	68,862	50,951
Stocks	12,840	11,289
Mortgages receivable	1,779	1,812
Life insurance	2,558	2,537
Miscellaneous	6,465	5,937
	<u>467,203</u>	<u>421,713</u>
Deduct mortgages payable	1,237	974
	<u>465,966</u>	<u>420,739</u>
ADMINISTRATION FUND (note 3)		
Cash in bank	134	195
Funds invested (schedule A)	29,030	56,687
	<u>29,164</u>	<u>56,882</u>
	<u>495,130</u>	<u>477,621</u>
<u>LIABILITIES</u>		
ESTATES AND TRUSTS		
Patients' estates	352,742	315,576
Crown estates	39,787	38,150
Special trusts and charities	32,510	29,146
Probable escheats (note 4)	7,321	10,477
Deceased persons' estates	15,494	10,463
Cemetery trusts	8,286	7,652
Corporate estates	6,228	6,252
Crown companies	2,326	1,751
Unclaimed balances	1,149	1,137
Indian trusts	84	84
Child welfare trusts	39	51
	<u>465,966</u>	<u>420,739</u>
ADMINISTRATION FUND (note 3)		
Current liabilities	356	859
Assurance Fund (note 5)	200	200
Surplus	28,608	55,823
	<u>29,164</u>	<u>56,882</u>
	<u>495,130</u>	<u>477,621</u>

See accompanying schedules and notes to financial statements.

On behalf of the Public Trustee:



Public Trustee



Deputy Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURE

YEAR ENDED MARCH 31, 1990

	1990 (\$000's)	1989 (\$000's)
REVENUE		
Fees collected		
Patients' estates	6,237	5,589
Crown estates	663	518
Special trusts	400	353
Probable escheats	251	15
Deceased persons' estates	152	158
Charities	97	34
Cemetery trusts	39	34
Crown companies	95	59
Corporate estates	23	18
	<u>7,957</u>	<u>6,778</u>
Bank interest	44	35
Income from funds invested, net (schedule B)	<u>8,243</u>	<u>9,361</u>
	<u>16,244</u>	<u>16,174</u>
 EXPENDITURE		
Salaries and wages	6,299	5,259
Employee benefits (note 6)	764	619
Services	440	808
Supplies and equipment	584	231
Transportation and communication	<u>369</u>	<u>219</u>
	<u>8,456</u>	<u>7,136</u>
 EXCESS OF REVENUE OVER EXPENDITURE		
	<u>7,788</u>	<u>9,038</u>

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1990

	1990 (\$000's)	1989 (\$000's)
Balance, beginning of year	55,823	46,785
Excess of revenue over expenditure	<u>7,788</u>	<u>9,038</u>
	63,611	55,823
Transfer to Consolidated Revenue Fund (note 3)	(35,000)	—
Reimbursement of claim on Assurance Fund	<u>(3)</u>	<u>—</u>
Balance, end of year	<u>28,608</u>	<u>55,823</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1990

	SCHEDULE A	
	1990	1989
	(\$000's)	(\$000's)
Short term investments	94,547	136,148
Bonds (schedule C)	84,158	52,942
Accrued interest	4,471	9,077
Prepaid interest receivable	177	—
Cash in bank	145	438
	<u>183,498</u>	<u>198,605</u>
Allocated as follows:		
Estates and Trusts	154,468	141,918
Administration Fund (note 3)	29,030	56,687
	<u>183,498</u>	<u>198,605</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1990

	SCHEDULE B	
	1990	1989
	(\$000's)	(\$000's)
Interest earned on investments	17,946	16,951
Interest earned on bank accounts	787	550
	<u>18,733</u>	<u>17,501</u>
Deduct interest allowed	10,490	8,140
Income from funds invested, net	<u>8,243</u>	<u>9,361</u>

DETAILS OF BONDS

AS AT MARCH 31, 1990

	SCHEDULE C	
	1990	1989
	(\$000's)	(\$000's)
Ontario Hydro	33,074	29,994
Provincial Governments	39,134	6,889
Bank mortgage bonds	11,950	16,059
	<u>84,158</u>	<u>52,942</u>
Cost	<u>84,158</u>	<u>52,942</u>
Par value	<u>84,400</u>	<u>52,900</u>
Market value	<u>79,386</u>	<u>51,666</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

MARCH 31, 1990

1. GENERAL

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- the management of estates of mentally incompetent individuals;
- the administration of estates of persons who die in Ontario intestate and without next-of-kin;
- the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence; and
- a general supervisory role over charities.

2. SIGNIFICANT ACCOUNTING POLICIES

(a) BASIS OF ACCOUNTING

Fees collected, bank interest and expenditure are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional thirty days to pay for debts incurred during the fiscal year just ended. Net income from funds invested is recorded on an accrual basis.

(b) FUNDS INVESTED

Funds are invested in income producing short term investments or bonds which are normally held until maturity. These securities are shown at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

(c) STOCKS AND BONDS OF ESTATES AND TRUSTS

Stocks and bonds of Estates and Trusts are recorded at their market value at the time of taking over the Estates and Trusts with an annual adjustment to market value at December 31 each year.

(d) REAL ESTATE

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

(e) LIFE INSURANCE

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to revaluation every two years.

(f) FIXED ASSETS

Fixed assets are recorded as expenditures when purchased.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS (Continued)

MARCH 31, 1990

3. ADMINISTRATION FUND

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the office of the Public Trustee are paid from the Administration Fund.

Pursuant to section 9(5) of the Public Trustee Act, the Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund. Subsequent to the year end, \$27 million was transferred from the Fund in May 1990 to the Consolidated Revenue Fund.

4. FUNDS ESCHEATED TO THE CROWN

The Public Trustee is authorized by the Escheats Act to take possession of unclaimed property reverting to the Crown under the Succession Law Reform Act, Business Corporations Act or common law. After a period of ten years, any property so received by the Public Trustee which remains unclaimed is transferred to the Consolidated Revenue Fund of the Province.

During the year, \$2,743, 846 (1989 - \$8,000) was transferred to the Province.

5. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the office of the Public Trustee might become liable. Accordingly, this Fund has been established at \$200,000 by transfers from the Administration Fund.

6. PENSION PLAN

The office of the Public Trustee provides pension benefits for its permanent employees through participation in the Public Service Pension Fund established by the Province of Ontario. The office's share of contributions to the Fund during the year was \$243,863 (1989 - \$185,402) and is included in employee benefits in the Statement of Revenue and Expenditure. This amount includes current contributions and additional payments required to cover the office's share of the Fund's estimated unfunded liabilities on January 1, 1990. These additional payments will continue over the next forty years.

7. REAL ESTATE AND REVALUATION PROJECT

Due to the high volatility of the Ontario real estate market, property values change after their initial incorporation. Many properties have not been revalued in recent years. The office of the Public Trustee now has a project underway to revalue properties under its administration. This project is expected to be completed by 1991.



OFFICE OF THE PROVINCIAL AUDITOR
BUREAU DU VÉRIFICATEUR PROVINCIAL

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To the Public Trustee of the Province of Ontario and
to the Attorney General.

I have examined the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1990 and the statements of revenue and expenditure and surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Public Trustee of the Province of Ontario as at March 31, 1990 and the results of operations for the year then ended in accordance with the accounting policies described in note 2 to the financial statements applied on a basis consistent with that of the preceding year.

Toronto, Ontario,
July 27, 1990

J.F. Otterman, F.C.A.,
Assistant Provincial Auditor.

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1990</u> <u>(\$000's)</u>	<u>1989</u> <u>(\$000's)</u>
Assets under Administration	495,130	477,621
Revenue	16,244	16,174
Operating Expenses	8,456	7,136
Excess of Revenue over Expenditure	7,788	9,038
Surplus	28,608	55,823
Cash Receipts	186,622	152,903
Funds Invested by the Public Trustee at Book Value	178,705	189,090
<hr/>		
No. of Files - Estates and Trusts	23,998	23,897
No. of Files - Charities	51,262	51,950
No. of Staff - Permanent	179	172
Contract	10	7

STATUTES AFFECTING THE PUBLIC TRUSTEE

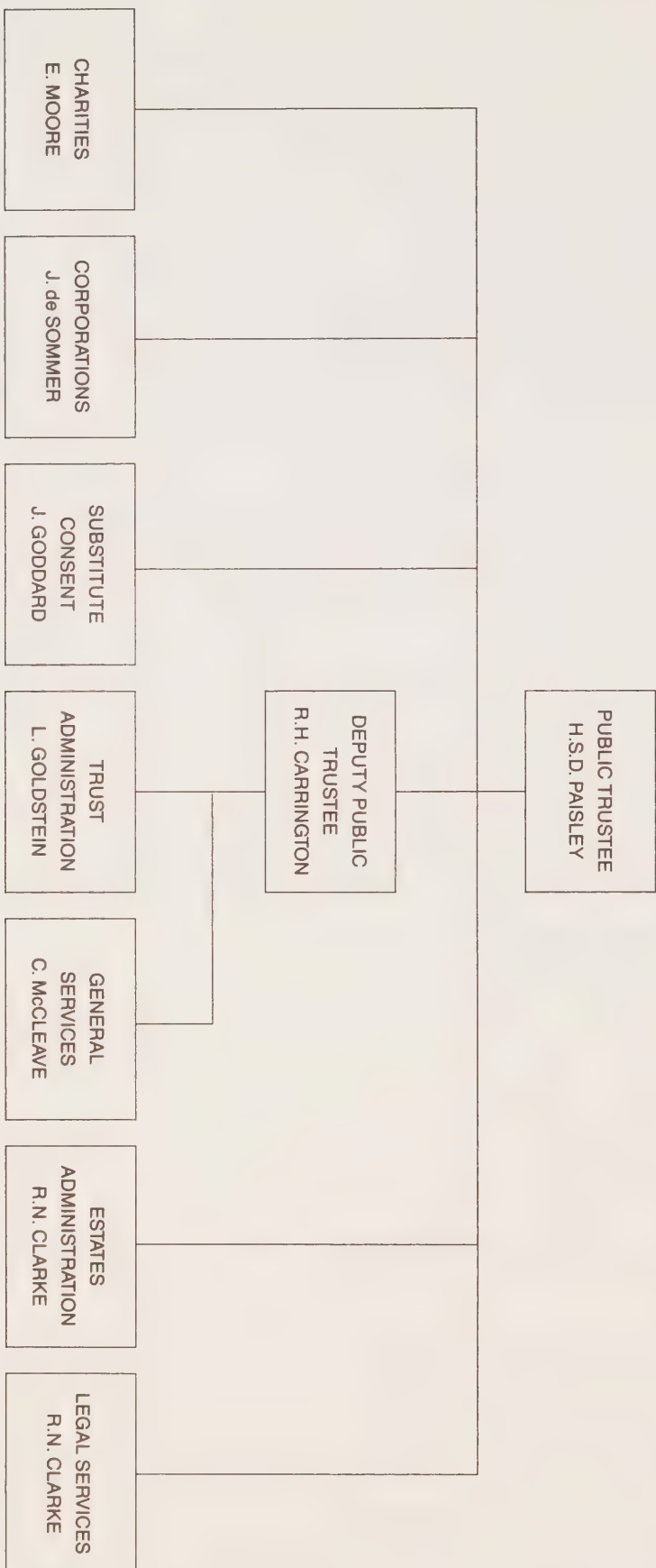
ONTARIO

Bulk Sales Act - R.S.O. 1980, c.52
Business Corporations Act - S.O. 1982, c.4
City of Toronto Act - S.O. 1981, c.5-1
Cemeteries Act - R.S.O. 1980, c.59
Charitable Gift Act - R.S.O. 1980, c.63
Charities Accounting Act - R.S.O. 1980, c.65, as amended
Compensation for Victims of Crime Act - R.S.O. 1980, c.82
Co-operative Corporations Act - R.S.O. 1980, c.91, as amended
Corporations Act - R.S.O. 1980, c.95, as amended
Courts of Justice Act - S.O. 1984, c.11, as amended, and Rules of Civil Procedure
Crown Administration of Estates Act - R.S.O. 1980, c.105
Developmental Services Act - R.S.O. 1980, c.118, as amended
Escheats Act - R.S.O. 1980, c.142
Estates Administration Act - R.S.O. 1980, c.143, as amended
Family Benefits Act - R.S.O. 1980, c.151
Family Law Act - S.O. 1986, c.4
Homes for Special Care Act - R.S.O. 1980, c.202
Human Tissue Gift Act - R.S.O. 1980, c.210
Loan and Trust Corporations Act - S.O. 1987, c.33
Mental Health Amendment Act - 1967, c.49-51
Mental Hospitals Amendment Act - 1967, s.49-51
Municipal Tax Sales Act - S.O. 1984, c.48
Powers of Attorney Act - R.S.O. 1980, c.386, as amended
Public Hospitals Act - R.O. 518-88
Public Trustee Act - R.S.O. 1980, c.422
Religious Organizations' Lands Act - R.S.O. 1980, c.448
Succession Law Reform Act - R.S.O. 1980, c.488, as amended
Surrogate Courts Act - R.S.O. 1980, c.491, as amended
Trustee Act - R.S.O. 1980, c.512, as amended
Workers' Compensation Act - R.S.O. 1980, c.539, as amended

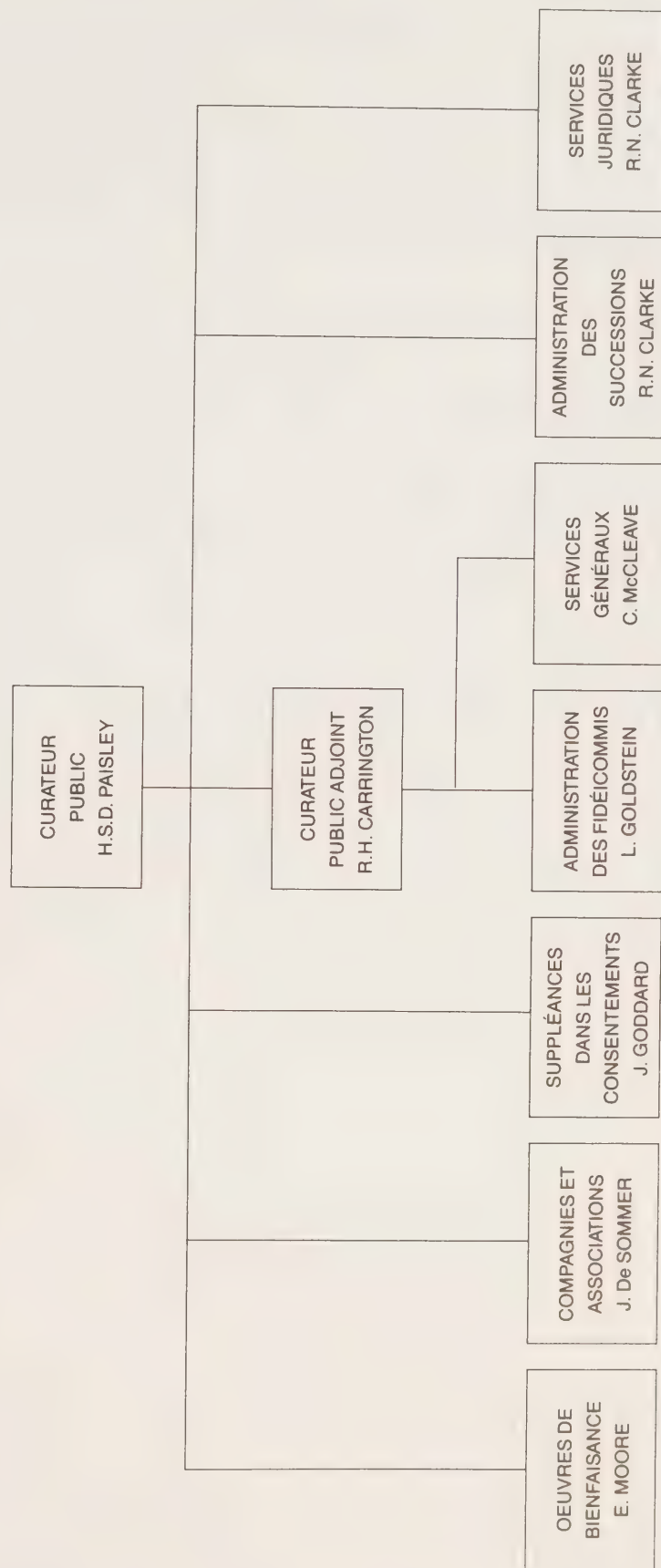
BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act - R.S.O. 1970, c.V-1
2. Indian Act - R.S.O. 1970, c.1-6, as amended
3. Absentees Act - R.S.O. 1980, c.3
4. Expropriations Act - R.S.O. 1980, c.148
5. Mental Incompetency Act - R.S.O. 1980, c.264, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



ORGANIGRAMME — BUREAU DU CURATEUR PUBLIC



LOIS CONCERNANT LE BUREAU DU CURATEUR PUBLIC

ONTARIO

Loi de 1982 sur la contestation de l'évaluation foncière de 1981 dans la cité de Toronto - L.O. 1981, ch. 5-1

Loi modifiant la Loi sur la santé mentale - 1967, ch. 49-51

Loi portant réforme du droit des successions - L.R.O. 1980, ch. 488, telle que modifiée

Loi sur l'administration des successions par la Couronne - L.R.O. 1980, ch. 105

Loi sur l'administration des successions - L.R.O. 1980, ch. 143, telle que modifiée

Loi sur la comptabilité des oeuvres de bienfaisance - L.R.O. 1980, ch. 65, telle que modifiée

Loi sur la vente en bloc - L.R.O. 1980, ch. 52

Loi sur le Curateur public - L.R.O. 1980, ch. 422

Loi sur le don de tissus humains - L.R.O. 1980, ch. 210

Loi sur le droit de la famille - L.O. 1986, ch. 4

Loi sur les accidents du travail - L.R.O. 1980, ch. 539, telle que modifiée

Loi sur les biens en déshérence - L.R.O. 1980, ch. 142

Loi sur les biens-fonds des organisations religieuses - L.R.O. 1980, ch. 448

Loi sur les cimetières - L.R.O. 1980, ch. 59

Loi sur les compagnies de prêt et de fiducie - L.O. 1987, ch. 33

Loi sur les coopératives - L.R.O. 1980, ch. 91, telle que modifiée

Loi sur les cours des successions - L.R.O. 1980, ch. 491, telle que modifiée

Loi sur les dons de bienfaisance - L.R.O. 1980, ch. 63

Loi sur les fiduciaires - L.R.O. 1980, ch. 512, telle que modifiée

Loi sur les foyers de soins spéciaux - L.R.O. 1980, ch. 202

Loi sur les hôpitaux publics - R.O. 518 - 88

Loi sur les personnes morales - L.R.O. 1980, ch. 95, telle que modifiée

Loi sur les prestations familiales - L.R.O. 1980, ch. 151

Loi sur les procurations - L.R.O. 1980, ch. 386, telle que modifiée

Loi sur les services aux personnes atteintes d'un handicap de développement - L.R.O. 1980, ch. 118, telle que modifiée

Loi sur les sociétés par actions - L.O. 1982, ch. 4

Loi sur les tribunaux judiciaires - L.R.O. 1984, ch. 11, telle que modifiée, et règlements de procédure civile

Loi sur les ventes pour impôts municipaux - L.O. 1984, ch. 48

Loi sur l'indemnisation des victimes d'actes criminels - L.R.O. 1980, ch. 82

Mental Hospitals Amendment Act - 1967, art. 49, 51

Par autorisation, le Curateur public accepte les fonds en fiducie conformément aux lois suivants :

1. Department of Veterans Affairs Act - R.S.O. 1970, ch. V-1

2. Indian Act - L.R.O. 1970, ch. 1-6, telle que modifiée

3. Loi sur les absents - L.R.O. 1980, ch. 3

4. Loi sur l'expropriation - L.R.O. 1980, ch. 148

5. Loi sur l'incapacité mentale - L.R.O. 1980, ch. 264, telle que modifiée

ANALYSE STATISTIQUE

Au 31 mars

1990
1989
(en milliers de dollars)

Avoirs administrés	495,130	477,621
Revenu	16,244	16,174
Dépenses d'exploitation	8,456	7,136
Excédent du revenu sur les dépenses	7,788	9,038
Excédent	28,608	55,823
Encaissements	186,622	152,903
Fonds placés par le curateur public à la valeur comptable	178,705	189,090
<hr/>		
N ^{bre} de dossiers - Successions et fidéicommiss	23,998	23,897
N ^{bre} de dossiers - Oeuvres de bienfaisance	51,262	51,950
N ^{bre} d'employés - Permanents	179	172
A contrat	10	7



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Au Curateur public de la province de l'Ontario
et au procureur général

J'ai vérifié le bilan du curateur public de la province de l'Ontario au 31 mars 1990 ainsi que les états des recettes et dépenses et de l'excédent pour l'exercice terminé à cette date. Ma vérification a été effectuée conformément aux normes de vérification généralement reconnues, et a comporté par conséquent les sondages et autres procédés que j'ai jugés nécessaires dans les circonstances.

À mon avis, ces états financiers présentent fidèlement la situation financière du curateur public de la province de l'Ontario au 31 mars 1990 ainsi que les résultats de ses opérations pour l'exercice terminé à cette date, selon les conventions comptables énoncées à la note 2 des états financiers, appliquées de la même manière qu'au cours de l'exercice précédent.

Toronto (Ontario)
le 27 juillet 1990

J. F. Otterman, f.c.a.
Vérificateur provincial adjoint

(f) IMMOBILISATIONS

Les immobilisations sont inscrites à titre de dépenses au moment de leur acquisition.

3. COMPTE DU FONDS D'ADMINISTRATION

Le Fonds d'administration est le compte de fonctionnement du Curateur public. On y dépose les droits perçus par le curateur en contrepartie des services rendus pour chaque succession ou patrimoine, conformément aux dispositions de la Loi sur le Curateur public.

Les excédents de trésorerie du Fonds d'administration qui ne sont pas nécessaires au fonctionnement sont investis, tout comme les liquidités des successions et des fonds en fiducie. Les intérêts créditeurs nets de ces placements sont versés au compte du Fonds d'administration, après déduction des intérêts versés sur les fonds des successions et les fonds en fiducie, conformément aux dispositions de la Loi.

Le Fonds d'administration sert également au règlement de tous les frais de fonctionnement engagés par le Bureau du Curateur public.

Conformément à l'article 9(5) de la Loi sur le Curateur public, le lieutenant-gouverneur en conseil peut, de temps à autre, ordonner le virement de tout solde créditeur du Fonds d'administration au compte du Trésor.

4. FONDS DÉVOLUS À L'ÉTAT

La Loi sur les biens en déshérence autorise le Curateur public à prendre possession des biens vacants échus par droit à l'État, conformément aux dispositions de la Loi portant réforme du droit des successions, de la Loi sur les compagnies, ou en vertu de la common law. Les biens non réclamés au bout de 10 ans sont affectés au Trésor de la province.

Au cours de l'exercice, les sommes ainsi acquises par la province se sont élevées à 2,743, 846 \$ (1989 - 8,000 \$).

5. CAISSE D'ASSURANCE

La loi dispose que le Bureau du Curateur public est tenu de constituer une caisse d'assurance en vue de se protéger contre certaines pertes dont il pourrait avoir à assumer la responsabilité. La somme de 200 000 \$, prélevée sur le fonds d'administration, a été virée à ce compte.

6. RÉGIME DE RETRAITE

Le Bureau du Curateur public assure des prestations de retraite à tous ses employés permanents en contribuant à la Caisse de retraite des fonctionnaires, laquelle a été établie par la province de l'Ontario. La contribution du Bureau à la Caisse se chiffrait à 243,863 \$ (1989 - 185,402 \$) pour 1990 est incluse dans le poste des avantages sociaux à l'état des recettes et des dépenses. Ce montant comprend les contributions courantes et les versements supplémentaires requis pour payer la part du Bureau des dettes non provisionnées estimatives de la Caisse au 1^{er} janvier 1990. Ces versements supplémentaires seront effectués pendant les 40 prochaines années.

7. BIENS IMMOBILIERS ET PROJET DE RÉÉVALUATION

En raison de la grande instabilité du marché immobilier de l'Ontario, la valeur des biens change après leur constitution initiale. Un grand nombre de biens n'ont pas été réévalués ces dernières années. Le Bureau du Curateur public a entrepris un projet de réévaluation des biens qu'il gère. Ce projet devrait se terminer en 1991.

1. GÉNÉRALITÉS

En vertu d'un certain nombre de lois, le Curateur public est investi de plusieurs fonctions, qui comprennent essentiellement les responsabilités suivantes :

- la gestion des biens des incapables mentaux;
- l'administration de la masse successorale de personnes décédées en Ontario sans testament et n'ayant plus aucun proche parent;
- la gestion des biens vacants ou ayant appartenu à une société dissoute, dévolus à l'État conformément aux dispositions de la Loi sur les biens en désheréce;
- une fonction générale de surveillance de l'activité des sociétés de bienfaisance.

2. PRINCIPALES CONVENTIONS COMPTABLES

(a) MÉTHODE DE COMPTABILITÉ

Les droits perçus, les intérêts bancaires et les charges sont inscrits selon la méthode de la comptabilité de caisse, modifiée de façon à accorder 30 jours supplémentaires pour le paiement des dettes con- tractées au cours de l'exercice écoulé. Les produits financiers nets des placements effectués sont inscrits selon la méthode de la comptabilité d'exercice.

(b) PLACEMENTS

Les fonds sont investis dans des obligations ou des placements à court terme productifs de revenus, lesquels sont normalement détenus jusqu'à la date d'échéance. Ces titres sont présentés au prix cou- tant compte tenu de l'amortissement des primes ou escomptes d'émission. L'amortissement est in- scrit aux dates de paiement de l'intérêt sur les titres.

(c) ACTIONS ET OBLIGATIONS DES SUCCESSIONS ET DES FONDS EN FIDUCIE

Les actions et obligations des successions et des fonds en fiducie sont inscrites à leur valeur mar- chande au moment de la prise en charge des successions et des fonds en fiducie et un rajustement annuel pour faire correspondre la valeur de ces titres à leur valeur marchande est fait le 31 décembre de chaque année.

(d) BIENS IMMOBILIERS

Les biens immobiliers sont inscrits à leur valeur d'expertise au moment de la constitution du fonds et font l'objet de réévaluations périodiques.

(e) ASSURANCE-VIE

Les contrats d'assurance-vie sont inscrits à leur valeur de rachat nette au moment de la constitution du fonds et sont réévalués tous les deux ans.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

DÉTAILS DES PLACEMENTS

AU 31 MARS 1990

Placements à court terme	94,547	136,148
Obligations (annexe C)	84,158	52,942
Intérêts courus	4,471	9,077
Intérêts débiteurs payés d'avance	177	—
Fonds en banque	145	438
Répartis comme suit :		
Successions et fonds en fiducie	154,468	141,918
Compte du Fonds d'administration (note 3)	29,030	56,687
	183,498	198,605
	183,498	198,605

ANNEXE A

1990

(en milliers de dollars)

EXERCICE TERMINÉ LE 31 MARS 1990

REVENUS DE PLACEMENTS

Intérêts sur placements	17,946	16,951
Intérêts sur comptes en banque	787	550
Moins les intérêts versés	18,733	17,501
Recettes nettes de placements	10,490	8,140
	8,243	9,361

ANNEXE B

1990

(en milliers de dollars)

DÉTAILS DES OBLIGATIONS

AU 31 MARS 1990

Ontario Hydro	33,074	29,994
Gouvernements provinciaux	39,134	6,889
Obligations hypothécaires de banque	11,950	16,059
	84,158	52,942
	84,400	52,900
	79,386	51,666

ANNEXE C

1990

(en milliers de dollars)

Voir les annexes et notes afférentes aux états financiers.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

RECETTES ET DÉPENSES

EXERCICE TERMINÉ LE 31 MARS 1990

1990
1989
(en milliers de dollars)

REVENUS

Droits perçus

Patrimoines de personnes malades

Patrimoines de la Couronne

Fonds en fiducie spéciaux

Biens probablement en désheréce

Successions de personnes décédées

Sociétés de bienfaisance

Fonds en fiducie pour climatères

Sociétés de la Couronne

Biens appartenant à des sociétés dissoutes

Intérêts bancaires

Recettes nettes de placements (annexe B)

DÉPENSES

Traitements et salaires

Avantages sociaux (note 6)

Services

Fournitures et matériel

Transports et communications

EXCÉDENT DES RECETTES SUR LES DÉPENSES

EXCÉDENT

EXERCICE TERMINÉ LE 31 MARS 1990

1990
1989
(en milliers de dollars)

Solde au début de l'exercice

Excédent des recettes sur les dépenses

(35,000)

(3)

Remboursement par la caisse d'assurance

Solde à la fin de l'exercice

Voir les annexes et notes afférentes aux états financiers.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

BILAN AU 31 MARS 1990

ACTIF
1990 1989
(en milliers de dollars)

308	312
206,961	219,919
141,918	154,468
50,951	68,862
11,289	12,840
1,812	1,779
2,537	2,558
5,937	6,465
421,713	467,203
974	1,237
420,739	465,966

COMPTE DU FONDS D'ADMINISTRATION (note 3)

Moins les emprunts hypothécaires

Fonds en banque
Placements (annexe A)

195	134
56,687	29,030
56,882	29,164
477,621	495,130

PASSIF

SUCCESSIONS ET FONDS EN FIDUCIE

Patrimoines de personnes malades
Patrimoines de la Couronne

Sociétés de bienfaisance et fonds en fiducie spéciaux
Biens probablement en déshérence (note 4)

Successions de personnes décédées
Fonds en fiducie pour cimetières

Biens appartenant à des sociétés dissoutes
Sociétés de la Couronne

Solides non réclamés
Fonds en fiducie pour les Indiens

Fonds en fiducie pour enfants

COMPTE DU FONDS D'ADMINISTRATION (note 3)

Passif à court terme
Caisse d'assurance (note 5)
Excédent

859	356
200	200
55,823	28,608
56,882	29,164
477,621	495,130

Voir les annexes et notes afférentes aux états financiers.

Curateur public

Au nom du Curateur public,

Curateur public adjoint

K.H. Cunningham

Projet portant sur les répercussions de la TPS

Après de nombreux efforts en vue de déterminer l'envergure de la nouvelle taxe et ses répercussions sur le Bureau, nous avons chargé notre conseiller en informatique d'élaborer et de mettre en place des programmes pour la perception et le traitement de la taxe. Un congrès pancanadien des curateurs publics provinciaux a eu lieu à Toronto au mois de septembre dernier dans le but de discuter de la TPS et des activités des curateurs publics.

Mise sur pied de la Division des biens non réclamés

En vertu d'une nouvelle compétence, des travaux d'envergure ont commencé afin de mettre sur pied cette nouvelle division. Ce projet comporte, entre autres, l'élaboration de procédures et de programmes informatiques, la création de formules ainsi que la dotation en personnel.

Autres projets

Parmi les autres projets entrepris, citons les suivants :

- Document pour la communication de l'information financière par les sociétés de bienfaisance
- Programme pour la planification successorale
- Examen des mandataires
- Projet portant sur les successions non administrées
- Vérification des maisons de soins infirmiers
- Examen des biens vacants
- Vente des armes à feu et des autres armes accumulées
- Examen des biens entreposés
- Examen des soldes débiteurs

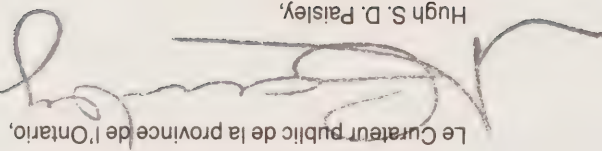
Nous désirons souligner que tous les projets mentionnés dans le présent rapport viennent s'ajouter aux tâches régulières du personnel. Nos employés dévoués redoublent leurs efforts pour s'assurer que ces projets sont menés à bien, car il est très important pour eux de bien servir la clientèle du Bureau.

Dans le cadre de ses activités régulières, la Division d'administration des fonds en fiducie veille quotidiennement aux affaires financières complexes de 15 000 personnes situées un peu partout en Ontario. Nous préparons et produisons 21 000 déclarations d'impôt sur le revenu par an et émettons 9 000 chèques par mois. Nos rentrées et sorties de fonds s'élèvent à plus de 100 millions de dollars par an. À tout moment donné, nous gérons plus de 3 000 successions. Nous supervisons plus de 35 000 sociétés de bienfaisance en Ontario et nous nous occupons de plus de 500 litiges dans toute la province.

Le Bureau du Curateur public a un contact direct avec des Ontariens et Ontariennes qui sont parmi les plus démunis de la province. Contribuer de cette manière est une source de grande satisfaction. Des mesures législatives en matière de tutelle permettront d'augmenter cette contribution à l'avenir.

Pour conclure, j'aimerais remercier le personnel pour son engagement et les efforts qu'il a déployés afin d'assurer la réussite des activités du Bureau. J'aimerais également remercier toutes les personnes et tous les organismes, tant au sein du gouvernement qu'à l'extérieur, qui aident à répondre aux besoins du Bureau.

Veuillez agréer l'expression de mes sentiments distingués.

Le Curateur public de la province de l'Ontario,

Hugh S. D. Paisley,



Ontario

Ministère du
Procureur
général

Bureau du
Curateur
public

145, rue Queen ouest
Toronto (Ontario)
M5H 2N8

SOIXANTE-DIXIÈME RAPPORT ANNUEL DU
CURATEUR PUBLIC DE L'ONTARIO 1989-1990

L'exercice 1989-1990 a été marqué par la plus grande activité jamais connue par le Bureau du curateur public au cours des dernières années. Le projet informatique en cours, lequel vise le remplacement de notre système actuel de traitement par lots par un système en direct, a entraîné un certain nombre de projets "satellites". À l'heure actuelle, les 179 membres du personnel du Bureau mettent en oeuvre plus de 40 projets, dont les suivants :

Projet informatique

Ce projet vise la conversion complète de notre système actuel de traitement par lots en un système en direct. La période prévue pour la conception et la mise en place du système est de 11 mois. À la fin de cette période, le nouveau système profitera considérablement à notre clientèle et à notre personnel.

Contrat de services financiers

Après un long processus d'appel d'offres, la Banque Canadienne Impériale de Commerce a été choisie pour un contrat à long terme en vue de fournir des services financiers complexes. Ce contrat, dont la mise à exécution prendra un an, aura divers avantages pour nos clients. Les certificats de placement garantis et les obligations d'épargne du Canada, qui sont peu flexibles, seront remplacés par des fonds communs de placement offrant un meilleur rendement.

Étude du droit en matière de sociétés de bienfaisance et préparation des recommandations du Curateur public à la Commission de réforme du droit en Ontario

Tout le personnel professionnel de la Division des sociétés de bienfaisance a participé à ce projet d'une durée de huit mois. Ce dernier a permis d'effectuer une étude exhaustive du droit en matière de sociétés de bien-faisance et de faire d'importantes recommandations en vue de modifications aux lois régissant ce domaine.

Changement de structure des bureaux

Des projets d'aménagement de locaux à bureaux pour les sections des services généraux, du traitement de données et de la sténographie du 7^e étage sont actuellement en cours.

Réévaluation des biens immobiliers des clients

Le titre de propriété, la description et la valeur de tous les biens immobiliers des clients ont été examinés et mis à jour. Les biens, dont il existe plus de 700, sont situés un peu partout en Ontario. Pour protéger les intérêts de nos clients, un document type attestant du rôle du Curateur public a été joint à tous les titres de propriété.

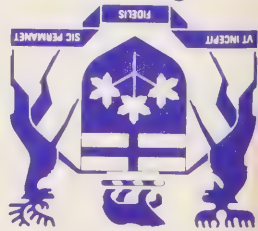
Collections de bijoux, de pièces de monnaie et de timbres (évaluation, vente et transfert)

Dans le cadre de ce projet, des experts ont évalué toutes les collections de bijoux, de pièces de monnaie et de timbres des clients. S'il y a lieu, bon nombre de ces articles seront vendus et le reste sera transféré aux coffres de la compagnie de fiduciaire et gardé en sécurité en vertu du nouveau contrat de services financiers.

Approbation de comptes en cas d'incapacité mentale

Dans le cadre de ce projet, qui s'effectue à l'échelle de la province, le Curateur public a préparé près de 100 comptes pour examen par les tribunaux. Une fois achevé, le projet permettra d'éliminer une accumulation de travail dans ce domaine.

SOIXANTE-DIXIÈME RAPPORT ANNUEL
DU CURATEUR PUBLIC DE
LA PROVINCE DE L'ONTARIO
31 MARS 1990



Ontario

Ministère
du Procureur
général

**Soixante-dixième
rapport annuel
du Curateur public
31 mars 1990**

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G. P. DVP



Ministry of
the
Attorney
General

**Public Trustee
Seventy-First
Annual Report**
March 31, 1991



THE PUBLIC TRUSTEE OF THE
PROVINCE OF ONTARIO
SEVENTY-FIRST ANNUAL REPORT
MARCH 31, 1991



Ontario

Ministry of the
Attorney
General

Office of the
Public Trustee

416/362-1331

145 Queen Street West
Toronto, Ontario
M5H 2N8

SEVENTY-FIRST ANNUAL REPORT OF THE PUBLIC TRUSTEE OF ONTARIO 1990-1991

On May 1, 1991 this Office went "live" with its new on-line Trust Account Management Computer System. After a full year of tendering, designing, constructing and converting, this 1 1/2 million dollar contract was completed on time and within budget. Although changes and enhancements will continue throughout the 1991/92 fiscal year, this giant step forward was a welcome improvement. The staff of the office are to be commended for superb commitment to this project, which resulted in their assumption of extra work and extended hours without complaint or compensation.

As revealed in the attached statements, our clients' assets and their estates are growing, and the management of our 23,000 trusts is a more complex task than ever before. Our resources are stretched to the limit and workload remains two to three times heavier per staff member than any other Public Trustee Office in Canada. It must be remembered that the clients of this office pay for the services they receive. Although the office is funded with public funds during a fiscal year, one-twelfth of those funds is repaid monthly from office revenues raised through charging clients fees for services. Any annual surplus is paid over to the Consolidated Revenue Fund. In the end the office pays for itself and is one of the few public operations that generates a profit. This office will endeavour to do its share to respond to fiscal constraints and we will try and increase government revenues where possible.

The transfer of our clients' securities and tangible property out of the office to the safekeeping of other financial institutions will be completed in the fall of 1991, thereby relieving us of our in-house custodial responsibilities and establishing a thorough duplicate off-premises record-keeping system for these assets. For the first time in the history of this office, our clients' securities are now analysed and assessed on a monthly basis for sale or retention based on a conservative investment criteria established in this office and applied by our brokers. No equities securities are ever bought by this office. The conversion of our clients' cash investments from individual placements to an insured pool will now facilitate investing procedures and will guarantee a more accurate interest allocation to the client than was the case under the old investment practices, as well as a reduction in office workload.

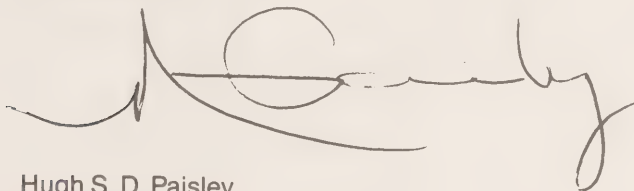
I remain alarmed by the reports coming to this office, almost daily, about the ever-increasing incidents of financial abuse of the elderly. Vulnerable citizens everywhere are the prey of unscrupulous family members, professionals, and fraud artists, and all too often there is little we can do to prevent or correct the situation. One would like to have the resources to reach out and help in a timely fashion in these tragic cases. These circumstances will not go away and in my view they are much on the increase.

Our office eagerly awaits the completion of the Ontario Law Reform Commission study on charities law. Our policies and practices to-date seem to have heightened the awareness of charity Trustees about the law of charities and their consequent duties and responsibilities.

We continue to fulfill our role as the last resort substitute decision maker for incompetent persons who are unable to consent to medical treatment in Ontario Public Hospitals. Nowhere is our involvement with the lives of other human beings more poignant than in this area of service. As a forerunner to the larger role of Public Guardianship, we are afforded an opportunity to learn and develop the policies and procedures for the expanded duties under that new legislation.

I would like to extend my sincere thanks to the wonderfully dedicated staff of this office. Their personal commitment to our clients day after day under difficult and demanding circumstances is a hallmark of public service that all too often is neither fully appreciated nor understood.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'H. S. D. Paisley', with a large, stylized loop at the end.

Hugh S. D. Paisley
PUBLIC TRUSTEE
(for the Province of Ontario)

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1991

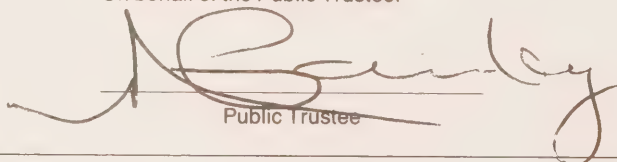
	1990	1991
<u>ASSETS</u>	<u>(\$000's)</u>	<u>(\$000's)</u>
ESTATES AND TRUSTS		
Cash in bank	224	312
Bonds	159,884	219,919
Funds invested (schedule A)	256,113	154,468
Real estate	78,006	68,862
Stocks	12,104	12,840
Mortgages receivable	1,722	1,779
Life insurance	2,557	2,558
Miscellaneous	5,713	6,465
	<u>516,323</u>	<u>467,203</u>
Deduct mortgages payable	1,414	1,237
	<u>514,909</u>	<u>465,966</u>
ADMINISTRATION FUND (note 3)		
Cash in bank	120	134
Funds invested (schedule A)	9,922	29,030
	<u>10,042</u>	<u>29,164</u>
	<u>524,951</u>	<u>495,130</u>

LIABILITIES

ESTATES AND TRUSTS		
Patients' estates	392,831	352,742
Crown estates	47,801	39,787
Special trusts and charities	33,752	32,510
Probable escheats (note 4)	6,703	7,321
Deceased persons' estates	19,693	15,494
Cemetery trusts	8,628	8,286
Corporate estates	2,552	6,228
Crown companies	1,623	2,326
Unclaimed balances	1,239	1,149
Indian trusts	84	84
Child welfare trusts	3	39
	<u>514,909</u>	<u>465,966</u>
ADMINISTRATION FUND (note 3)		
Current liabilities	737	356
Due to Treasurer of Ontario re forfeited funds of companies (note 8)	4,665	—
Assurance Fund (note 5)	200	200
Litigation Reserve Fund (note 6)	300	—
Surplus	4,140	28,608
	<u>10,042</u>	<u>29,164</u>
	<u>524,951</u>	<u>495,130</u>

See accompanying schedules and notes to financial statements.

On behalf of the Public Trustee:


Public Trustee


Deputy Public Trustee

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURE

YEAR ENDED MARCH 31, 1991

	1991 (\$000's)	1990 (\$000's)
REVENUE		
Fees collected		
Patients' estates	5,966	6,237
Crown estates	600	663
Special trusts	373	400
Probable escheats	43	251
Deceased persons' estates	192	152
Charities	255	97
Cemetery trusts	40	39
Corporate estates	55	23
Crown companies	73	95
	<u>7,597</u>	<u>7,957</u>
Bank interest	74	44
Income from funds invested, net (schedule B)	6,492	8,243
	<u>14,163</u>	<u>16,244</u>
EXPENDITURE		
Salaries and wages	7,133	6,299
Employee benefits (note 7)	1,335	764
Services	655	440
Supplies and equipment	1,720	584
Transportation and communication	393	369
	<u>11,236</u>	<u>8,456</u>
EXCESS OF REVENUE OVER EXPENDITURE	<u>2,927</u>	<u>7,788</u>

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1991

	1991 (\$000's)	1990 (\$000's)
Balance, beginning of year	28,608	55,823
Excess of revenue over expenditure	2,927	7,788
	<u>31,535</u>	<u>63,611</u>
Transfer to Consolidated Revenue Fund (note 3)	(27,000)	(35,000)
Reimbursement of claim on Assurance Fund	(40)	(3)
Transfer to establish Litigation Reserve Fund (note 6)	(300)	—
Reimbursements of claims on Litigation Reserve Fund	(55)	—
Balance, end of year	<u>4,140</u>	<u>28,608</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1991

	SCHEDULE A	
	1991	1990
	(\$000's)	(\$000's)
Short term investments	85,129	94,547
Long term investments (Schedule C)	171,448	84,158
Accrued interest	8,912	4,471
Prepaid interest receivable	—	177
Cash in bank	546	145
	<u>266,035</u>	<u>183,498</u>
Allocated as follows:		
Estates and Trusts	256,113	154,468
Administration Fund (note 3)	9,922	29,030
	<u>266,035</u>	<u>183,498</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1991

	SCHEDULE B	
	1991	1990
	(\$000's)	(\$000's)
Interest earned on investments	21,180	17,946
Interest earned on bank accounts	1,363	787
	<u>22,543</u>	<u>18,733</u>
Deduct interest allowed	16,051	10,490
Income from funds invested, net	<u>6,492</u>	<u>8,243</u>

DETAILS OF LONG INVESTMENTS

AS AT MARCH 31, 1991

	SCHEDULE C	
	1991	1990
	(\$000's)	(\$000's)
Ontario Hydro	33,046	33,074
Provincial Governments	29,952	39,134
Financial Institutions	108,450	11,950
	<u>171,448</u>	<u>84,158</u>
Cost	<u>171,448</u>	<u>84,158</u>
Par value	<u>171,400</u>	<u>84,400</u>
Market value	<u>171,726</u>	<u>79,386</u>

See accompanying notes to financial statements.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS

MARCH 31, 1991

1. GENERAL

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- the management of estates of mentally incompetent individuals;
- the administration of estates of persons who die in Ontario intestate and without next-of-kin;
- the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence; and
- a general supervisory role over charities.

2. SIGNIFICANT ACCOUNTING POLICIES

(a) BASIS OF ACCOUNTING

Fees collected, bank interest and expenditure are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional thirty days to pay for debts incurred during the fiscal year just ended. Net income from funds invested is recorded on an accrual basis.

(b) FUNDS INVESTED

Funds are invested in income producing short term investments or bonds which are normally held until maturity. These securities are shown at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

(c) STOCKS AND BONDS OF ESTATES AND TRUSTS

Stocks and bonds of Estates and Trusts are recorded at their market value at the time of taking over the Estates and Trusts with an annual adjustment to market value at December 31 each year.

(d) REAL ESTATE

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

(e) LIFE INSURANCE

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to valuation every two years.

(f) FIXED ASSETS

Fixed assets are recorded as expenditures when purchased.

THE PUBLIC TRUSTEE OF THE PROVINCE OF ONTARIO

NOTES TO FINANCIAL STATEMENTS (Continued)

MARCH 31, 1991

3. ADMINISTRATION FUND

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the office of the Public Trustee are paid from the Administration Fund.

Pursuant to section 9(5) of the Public Trustee Act, the Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund. In May 1990, \$27 million was transferred from the Fund to the Consolidated Revenue Fund.

4. FUNDS ESCHEATED TO THE CROWN

The Public Trustee is authorized by the Escheats Act to take possession of unclaimed property reverting to the Crown under the Succession Law Reform Act, Business Corporations Act or common law. After a period of ten years, any property so received by the Public Trustee which remains unclaimed is transferred to the Consolidated Revenue Fund of the Province.

During the year, \$1.438 million (1990: \$2.744 million) was transferred to the Province.

5. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the office of the Public Trustee might become liable. Accordingly, this Fund has been established at \$200,000 by transfers from the Administration Fund.

6. LITIGATION RESERVE FUND

In June 1990 the office of the Public Trustee authorized the transfer of \$300,000 from Surplus to a new Litigation Reserve Fund. The intent of the Fund is to cover costs of an opposing side's legal bills where the office of the Public Trustee is obligated to pay such costs.

7. PENSION PLAN

The office of the Public Trustee provides pension benefits for its permanent employees through participation in the Public Service Pension Fund established by the Province of Ontario. The office's share of contributions to the Fund during the year was \$509,000 (1990: \$244,000) and is included in employee benefits in the Statement of Revenue and Expenditure. This amount includes current contributions and additional payments required to cover the office's share of the Fund's estimated unfunded liabilities on January 1, 1990. These additional payments will continue over the next forty years.

8. DUE TO TREASURER OF ONTARIO RE FORFEITED FUNDS OF COMPANIES

During the year ending March 31, 1991, the office of the Public Trustee transferred \$4.665 million from Corporate Estates' and Crown Companies' accounts to its Administration Fund. These assets came from voluntarily and involuntarily dissolved Ontario corporations.



OFFICE OF THE PROVINCIAL AUDITOR
BUREAU DU VÉRIFICATEUR PROVINCIAL

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To the Public Trustee of the Province of Ontario and
to the Attorney General.

I have audited the balance sheet of the Public Trustee of the Province of Ontario as at March 31, 1991 and the statements of revenue and expenditure and surplus for the year then ended. These financial statements are the responsibility of the Public Trustee's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Public Trustee of the Province of Ontario as at March 31, 1991 and the results of his operations for the year then ended in accordance with the accounting policies described in note 2 to the financial statements.

Toronto, Ontario,
July 26, 1991

A handwritten signature in cursive script, reading "D.F. Archer".

D.F. Archer, F.C.A.,
Provincial Auditor

STATISTICAL REVIEW

	<u>As at March 31st</u>	
	<u>1991</u> <u>(\$000's)</u>	<u>1990</u> <u>(\$000's)</u>
Assets under Administration	524,951	495,130
Revenue	14,163	16,244
Operating Expenses	11,236	8,456
Excess of Revenue over Expenditure	2,927	7,788
Surplus	4,140	28,608
Cash Receipts	311,262	186,622
Funds Invested by the Public Trustee at Book Value	256,577	178,705
<hr/>		
No. of Files - Estates and Trusts	24,162	23,998
No. of Files - Charities	59,351	51,262
No. of Staff - Permanent	154	179
Contract	12	10

STATUTES AFFECTING THE PUBLIC TRUSTEE

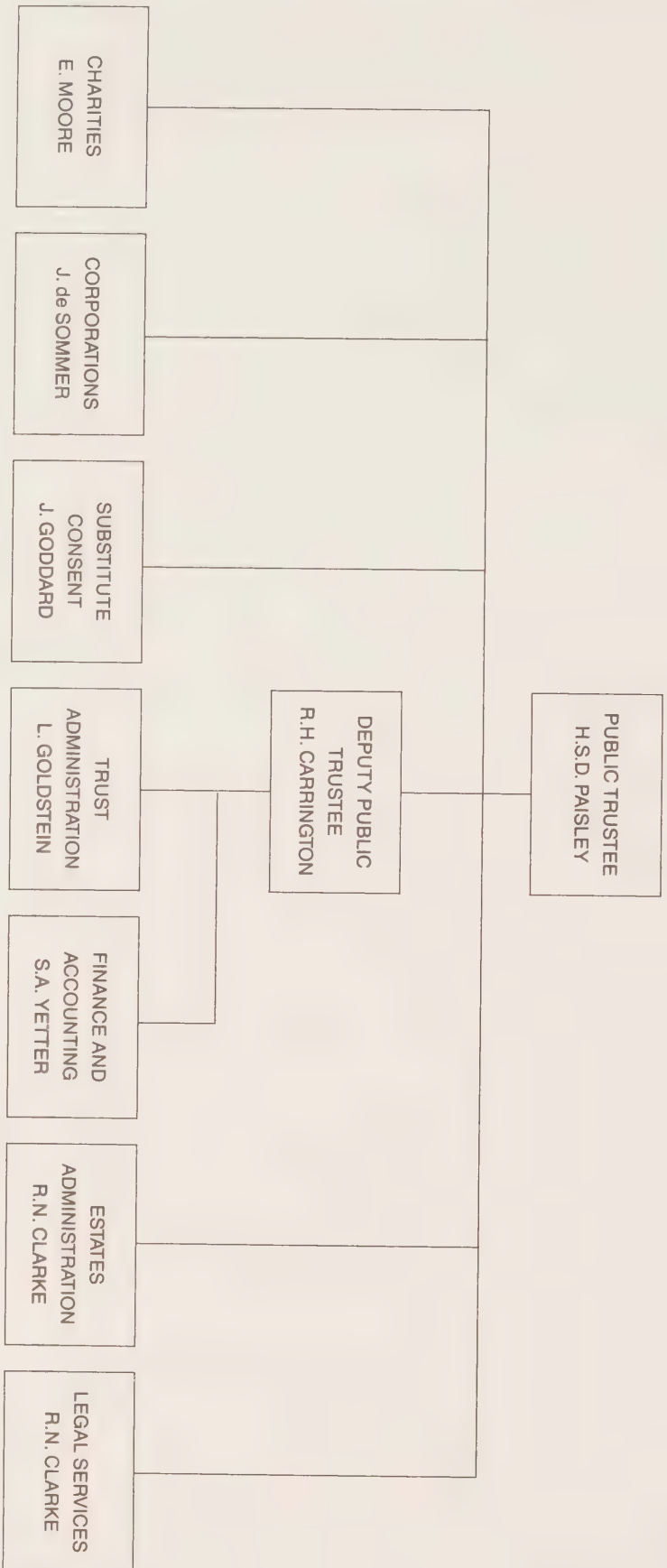
ONTARIO

Bulk Sales Act - R.S.O. 1980, c.52
Business Corporations Act - S.O. 1982, c.4
City of Toronto Act - S.O. 1981, c.5-1
Cemeteries Act - R.S.O. 1980, c.59
Charitable Gift Act - R.S.O. 1980, c.63
Charities Accounting Act - R.S.O. 1980, c.65, as amended
Compensation for Victims of Crime Act - R.S.O. 1980, c.82
Co-operative Corporations Act - R.S.O. 1980, c.91, as amended
Corporations Act - R.S.O. 1980, c.95, as amended
Courts of Justice Act - S.O. 1984, c.11, as amended, and Rules of Civil Procedure
Crown Administration of Estates Act - R.S.O. 1980, c.105
Developmental Services Act - R.S.O. 1980, c.118, as amended
Escheats Act - R.S.O. 1980, c.142
Estates Administration Act - R.S.O. 1980, c.143, as amended
Family Benefits Act - R.S.O. 1980, c.151
Family Law Act - S.O. 1986, c.4
Homes for Special Care Act - R.S.O. 1980, c.202
Human Tissue Gift Act - R.S.O. 1980, c.210
Loan and Trust Corporations Act - S.O. 1987, c.33
Mental Health Amendment Act - 1967, c.49-51
Mental Hospitals Amendment Act - 1967, s.49-51
Municipal Tax Sales Act - S.O. 1984, c.48
Powers of Attorney Act - R.S.O. 1980, c.386, as amended
Public Hospitals Act - R.O. 518-88
Public Trustee Act - R.S.O. 1980, c.422
Religious Organizations' Lands Act - R.S.O. 1980, c.448
Succession Law Reform Act - R.S.O. 1980, c.488, as amended
Surrogate Courts Act - R.S.O. 1980, c.491, as amended
Trustee Act - R.S.O. 1980, c.512, as amended
Workers' Compensation Act - R.S.O. 1980, c.539, as amended

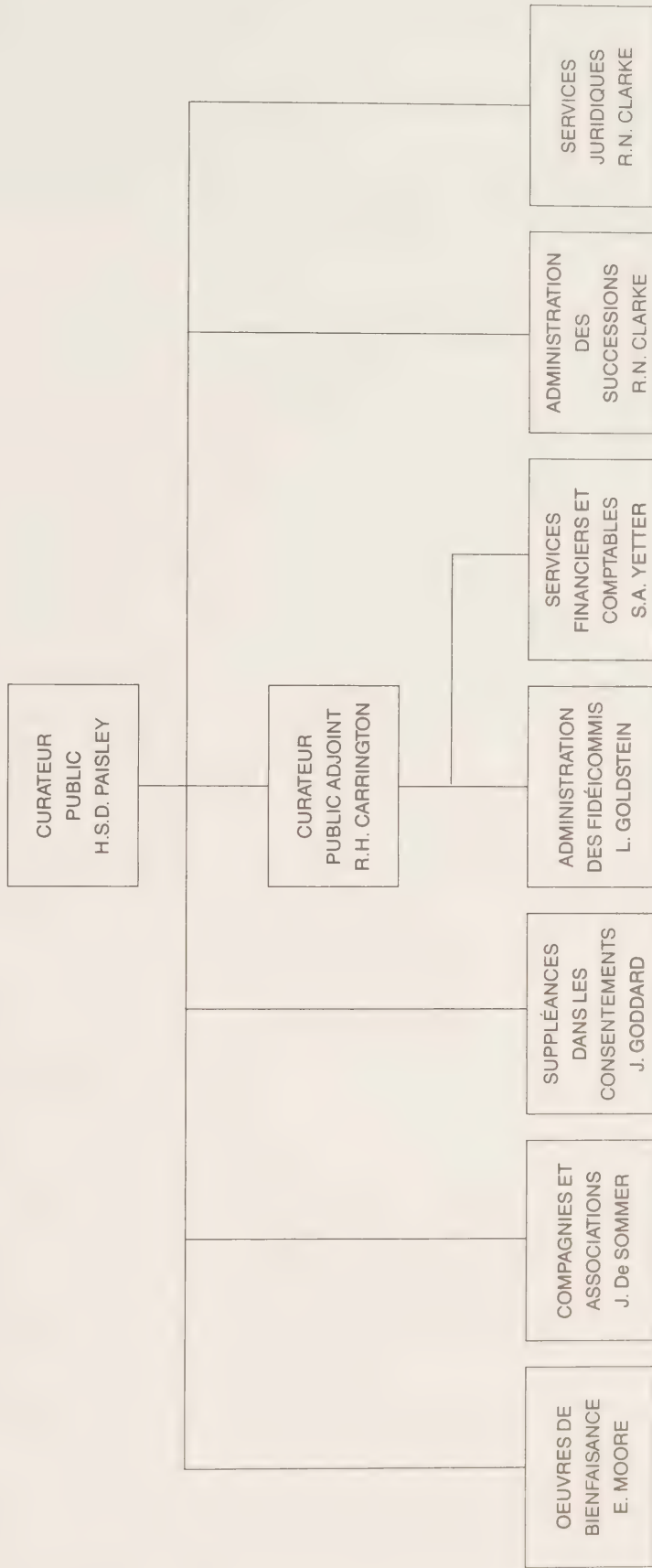
BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act - R.S.C. 1970, c.V-1
2. Indian Act - R.S.C. 1970, c.1-6, as amended
3. Absentees Act - R.S.O. 1980, c.3
4. Expropriations Act - R.S.O. 1980, c.148
5. Mental Incompetency Act - R.S.O. 1980, c.264, as amended

ORGANIZATION CHART — OFFICE OF THE PUBLIC TRUSTEE



ORGANIGRAMME — BUREAU DU CURATEUR PUBLIC



LOIS CONCERNANT LE BUREAU DU CURATEUR PUBLIC

ONTARIO

Loi de 1982 sur la contestation de l'évaluation foncière de 1981 dans la cité de Toronto - L.O. 1981, ch. 5-1

Loi modifiant la Loi sur la santé mentale - 1967, ch. 49-51

Loi portant réforme du droit des successions - L.R.O. 1980, ch. 488, telle que modifiée

Loi sur l'administration des successions par la Couronne - L.R.O. 1980, ch. 105

Loi sur l'administration des successions - L.R.O. 1980, ch. 143, telle que modifiée

Loi sur la comptabilité des oeuvres de bienfaisance - L.R.O. 1980, ch. 65, telle que modifiée

Loi sur la vente en bloc - L.R.O. 1980, ch. 52

Loi sur le Curateur public - L.R.O. 1980, ch. 422

Loi sur le don de tissus humains - L.R.O. 1980, ch. 210

Loi sur le droit de la famille - L.O. 1986, ch. 4

Loi sur les accidents du travail - L.R.O. 1980, ch. 539, telle que modifiée

Loi sur les biens en désherence - L.R.O. 1980, ch. 142

Loi sur les biens-fonds des organisations religieuses - L.R.O. 1980, ch. 448

Loi sur les cimetières - L.R.O. 1980, ch. 59

Loi sur les compagnies de prêt et de fiducie - L.O. 1987, ch. 33

Loi sur les coopératives - L.R.O. 1980, ch. 91, telle que modifiée

Loi sur les cours des successions - L.R.O. 1980, ch. 491, telle que modifiée

Loi sur les dons de bienfaisance - L.R.O. 1980, ch. 63

Loi sur les fiduciaires - L.R.O. 1980, ch. 512, telle que modifiée

Loi sur les foyers de soins spéciaux - L.R.O. 1980, ch. 202

Loi sur les hôpitaux publics - R.O. 518 - 88

Loi sur les personnes morales - L.R.O. 1980, ch. 95, telle que modifiée

Loi sur les prestations familiales - L.R.O. 1980, ch. 151

Loi sur les procurations - L.R.O. 1980, ch. 386, telle que modifiée

Loi sur les services aux personnes atteintes d'un handicap de développement - L.R.O. 1980, ch. 118, telle que modifiée

Loi sur les sociétés par actions - L.O. 1982, ch. 4

Loi sur les tribunaux judiciaires - L.R.O. 1984, ch. 11, telle que modifiée, et règlements de procédure civile

Loi sur les ventes pour impôts municipaux - L.O. 1984, ch. 48

Loi sur l'indemnisation des victimes d'actes criminels - L.R.O. 1980, ch. 82

Mental Hospitals Amendment Act - 1967, art. 49, 51

Par autorisation, le Curateur public accepte les fonds en fiducie conformément aux lois suivants :

1. Department of Veterans Affairs Act - R.S.C. 1970, ch. V-1

2. Indian Act - R.S.C. 1970, ch. 1-6, telle que modifiée

3. Loi sur les absents - L.R.O. 1980, ch. 3

4. Loi sur l'expropriation - L.R.O. 1980, ch. 148

5. Loi sur l'incapacité mentale - L.R.O. 1980, ch. 264, telle que modifiée

ANALYSE STATISTIQUE

Au 31 mars

1991 1990
(en milliers de dollars)

Avoirs administrés 524,951 495,130

Revenu 14,163 16,244

Dépenses d'exploitation 11,236 8,456

Excédent du revenu sur les dépenses 2,927 7,788

Excédent 4,140 28,608

Encaissements 311,262 186,622

Fonds placés par le curateur public à la valeur comptable 256,577 178,705

Nbre de dossiers - Successions et fidéicommiss 24,162 23,998

Nbre de dossiers - Oeuvres de bienfaisance 59,351 51,262

Nbre d'employés - Permanents 154 179

À contrat 12 10



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Au Curateur public de la province de l'Ontario

et au procureur général

J'ai vérifié le bilan du curateur public de la province de l'Ontario au 31 mars 1991 et les états des recettes et dépenses et de l'exercice terminé à cette date. La responsabilité de ces états financiers incombe à la direction du Bureau du curateur public. Ma responsabilité consiste à exprimer une opinion sur ces états financiers en me fondant sur ma vérification.

Ma vérification a été effectuée conformément aux normes de vérification généralement reconnues. Ces normes exigent que la vérification soit planifiée et exécutée de manière à fournir un degré raisonnable de certitude quant à l'absence d'inexactitudes importantes dans les états financiers. La vérification comprend le contrôle par sondages des informations probantes à l'appui des montants et des autres éléments d'information fournis dans les états financiers. Elle comprend également l'évaluation des principes comptables suivis et des estimations importantes faites par la direction, ainsi qu'une appréciation de la présentation d'ensemble des états financiers. À mon avis, ces états financiers présentent fidèlement, à tous égards importants, la situation financière du curateur public de la province de l'Ontario au 31 mars 1991, ainsi que les résultats de son exploitation pour l'exercice terminé à cette date selon les principes comptables décrits à la note 2 afférente aux états financiers.

D.F. Archer, f.c.a.
Provincial adjoint

Toronto (Ontario)
le 26 juillet 1991

- (f) IMMOBILISATIONS
3. COMPTE DU FONDS D'ADMINISTRATION
- Le Fonds d'administration est le compte de fonctionnement du Curateur public. On y dépose les droits perçus par le curateur en contrepartie des services rendus pour chaque succession ou patrimoine, conformément aux dispositions de la Loi sur le Curateur public.
- Les excédents de trésorerie du Fonds d'administration qui ne sont pas nécessaires au fonctionnement sont investis, tout comme les liquidités des successions et des fonds en fiducie. Les intérêts créditeurs nets de ces placements sont virés au compte du Fonds d'administration, après déduction des intérêts versés sur les fonds des successions et les fonds en fiducie, conformément aux dispositions de la Loi.
- Le Fonds d'administration sert également au règlement de tous les frais de fonctionnement engagés par le Bureau du Curateur public.
- Conformément au paragraphe 9(5) de la Loi sur le curateur public, le lieutenant-gouverneur en conseil peut, de temps à autre, ordonner le virement de tout solde créditeur du fonds d'administration au compte du Trésor.
- En mai 1990, 27 millions de dollars ont été transférés du fonds d'administration au Trésor.
4. FONDS DÉVOLUS À L'ÉTAT
- La Loi sur les biens en désshérence autorise le curateur public à prendre possession des biens vacants échus par droit à l'état, conformément aux dispositions de la Loi portant réforme du droit des successions, de la Loi sur les sociétés par actions, ou en vertu de la common law. Les biens non réclamés au bout de 10 ans sont affectés au Trésor de la province.
- Au cours de l'exercice, les sommes ainsi acquises par la province se sont élevées à 1,438 millions de dollars (2,744 millions de dollars en 1990).
5. CAISSE D'ASSURANCE
- Les règlements pris en application de la Loi disposent que le Bureau du curateur public est tenu de constituer une caisse d'assurance en vue de se protéger contre certaines pertes dont il pourrait avoir à assumer la responsabilité. La somme de 200 000 \$, prélevée sur le fonds d'administration, a été virée à ce compte.
6. CAISSE DE RÉSERVE DANS LES CAS DE LITIGE
- En juin 1990, le Bureau du curateur public a autorisé le virement d'une somme de 300 000 \$ du compte de l'excédent au compte de la Caisse de réserve dans les cas de litige. L'objectif de cette caisse est de couvrir les frais juridiques de la partie adverse lorsque le Bureau du curateur public doit payer ces frais.
7. RÉGIME DE RETRAITE
- Le Bureau du curateur public assure des prestations de retraite à tous ses employés permanents en contribuant à la Caisse de retraite des fonctionnaires, laquelle a été établie par la province de l'Ontario. La contribution du Bureau à la Caisse se chiffrait à 509 000 \$ au cours de l'exercice (244 000 \$ pour 1990) et est incluse dans le poste des avantages sociaux à l'état des recettes et des dépenses. Ce montant comprend les contributions courantes et les versements supplémentaires requis pour payer la part du Bureau des dettes non provisionnées estimatives de la Caisse au 1^{er} janvier 1990. Ces versements supplémentaires seront effectués pendant les 40 années.
8. SOMMES À REMETTRE AU TRÉSORIER DE L'ONTARIO - FONDS CONFISQUÉS À DES SOCIÉTÉS
- Au cours de l'exercice terminé le 31 mars 1991, le Bureau du curateur public a viré 4,65 millions de dollars des comptes des Biens appartenant à des sociétés dissoutes et des Sociétés de la Couronne au compte du fonds d'administration. Ces sommes provenaient de compagnies ontariennes dissoutes volontairement ou involontairement.

1. GÉNÉRALITÉS

En vertu d'un certain nombre de lois, le Curateur public est investi de plusieurs fonctions, qui comprennent essentiellement les responsabilités suivantes :

- la gestion des biens des incapables mentaux;
- l'administration de la masse successorale de personnes décédées en Ontario sans testament et n'ayant plus aucun proche parent;
- la gestion des biens vacants ou ayant appartenu à une société dissoute, dévolus à l'État conformément aux dispositions de la Loi sur les biens en désheréance;
- une fonction générale de surveillance de l'activité des sociétés de bienfaisance.

2. PRINCIPALES CONVENTIONS COMPTABLES

(a) MÉTHODE DE COMPTABILITÉ

Les droits perçus, les intérêts bancaires et les charges sont inscrits selon la méthode de la comptabilité de caisse, modifiée de façon à accorder 30 jours supplémentaires pour le paiement des dettes contractées au cours de l'exercice écoulé. Les produits financiers nets des placements effectués sont inscrits selon la méthode de la comptabilité d'exercice.

(b) PLACEMENTS

Les fonds sont investis dans des obligations ou des placements à court terme produits de revenus, lesquels sont normalement détenus jusqu'à la date d'échéance. Ces titres sont présentés au prix coûtant compte tenu de l'amortissement des primes ou escomptes d'émission à la date d'achat, et ce jusqu'à la date d'échéance.

(c) ACTIONS ET OBLIGATIONS DES SUCCESSIONS ET DES FONDs EN FIDUCIE

Les actions et obligations des successions et des fonds en fiducie sont inscrites à leur valeur marchande au moment de la prise en charge des successions et des fonds en fiducie et un rajustement annuel pour faire correspondre la valeur de ces titres à leur valeur marchande est fait le 31 décembre de chaque année.

(d) BIENS IMMOBILIERS

Les biens immobiliers sont inscrits à leur valeur d'expertise au moment de la constitution du fonds et font l'objet de réévaluations périodiques.

(e) ASSURANCE-VIE

Les contrats d'assurance-vie sont inscrits à leur valeur de rachat nette au moment de la constitution du fonds et sont réévalués tous les deux ans.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

DÉTAILS DES PLACEMENTS

AU 31 MARS 1991

1991	85,129	94,547
	171,448	84,158
	8,912	4,471
	—	177
	546	145
	266,035	183,498
(en milliers de dollars)		
Placements à court terme		
Placements à long terme		
Intérêts courus		
Intérêts débiteurs payés d'avance		
Fonds en banque		
Répartis comme suit :		
Successions et fonds en fiducie	256,113	154,468
Compte du Fonds d'administration (note 3)	9,922	29,030
	266,035	183,498

REVENUS DE PLACEMENTS

POUR L'EXERCICE TERMINÉ LE 31 MARS 1991

ANNEXE B

1991	21,180	17,946
	1,363	787
	22,543	18,733
	16,051	10,490
	6,492	8,243
(en milliers de dollars)		
Intérêts sur placements		
Intérêts sur comptes en banque		
Moins les intérêts versés		
Recettes nettes de placements		

DÉTAILS DES PLACEMENTS À LONG TERME

AU 31 MARS 1991

ANNEXE C

1991	33,046	33,074
	29,952	39,134
	108,450	11,950
(en milliers de dollars)		
Ontario Hydro		
Gouvernements provinciaux		
Institutions financières		

1991	171,448	84,158
	171,400	84,400
	171,726	79,386
(en milliers de dollars)		
Coût		
Valeur nominale		
Valeur marchande		

Voir les notes afférentes aux états financiers.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

ÉTAT DES RECETTES ET DÉPENSES

POUR L'EXERCICE TERMINÉ LE 31 MARS 1991

1989 1990

(en milliers de dollars)

REVENUS

Droits perçus

Patrimoines de personnes malades

Patrimoines de la Couronne

Fonds en fiducie spéciaux

Biens probablement en désherence

43 192 255

Sociétés de bienfaisance

Fonds en fiducie pour cimetières

Biens appartenant à des sociétés dissoutes

Sociétés de la Couronne

Intérêts bancaires

Recettes nettes de placement (annexe B)

14,163

16,244

DÉPENSES

Traitement et salaires

Avantages sociaux (note 7)

Services

Fournitures et matériel

Transports et communication

11,236

8,456

2,927

7,788

EXCÉDENT

POUR L'EXERCICE TERMINÉ LE 31 MARS 1991

1991

1990

(en milliers de dollars)

Solde au début de l'exercice

Excédent des recettes sur les dépenses

31,535

63,611

Somme transférée au Trésor (note 3)

(27,000)

(35,000)

Demande de règlement auprès de la caisse d'assurance

Somme transférée pour établir la caisse

de réserve dans les cas de litige (note 6)

Demande de règlement auprès de la caisse

de réserve dans les cas de litige

Solde à la fin de l'exercice

4,140

28,608

Voir les annexes et notes afférentes aux états financiers.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

BILAN AU 31 MARS 1991

ACTIF 1991 (en milliers de dollars)

312	224	Fonds en banque
219,919	159,884	Obligations
154,468	256,113	Placements (annexe A)
68,862	78,006	Bien immobiliers
12,840	12,104	Actions
1,779	1,722	Créances hypothécaires
2,558	2,557	Assurance-vie
6,465	5,713	Divers
467,203	516,323	Moins les emprunts hypothécaires
1,237	1,414	
514,909		

COMPTE DU FONDS D'ADMINISTRATION (note 3)

Fonds en banque
Placements (annexe A)

134	120
29,030	9,922
29,164	10,042
495,130	524,951

PASSIF

SUCCESSIONS ET FONDS EN FIDUCIE

Patrimoines de personnes malades
Patrimoines de la Couronne
Sociétés de bienfaisance et fonds en fiducie spéciaux
Biens probablement en désérence (note 4)
Successions de personnes décédées
Fonds en fiducie pour cimetières
Biens appartenant à des sociétés dissoutes
Sociétés de la Couronne
Soldes non réclamés
Fonds en fiducie pour les Indiens
Fonds en fiducie pour enfants

352,742	392,831
39,787	47,801
32,510	33,752
7,321	6,703
15,494	19,693
8,286	8,628
6,228	2,552
2,326	1,623
1,149	1,239
84	84
39	3
465,966	514,909

COMPTE DU FONDS D'ADMINISTRATION (note 3)

Passif à court terme
Sommes à remettre au trésorier de l'Ontario

356	737
—	4,665
200	200
—	300
28,608	4,140
29,164	10,042
495,130	524,951

Voir les annexes et notes afférentes aux états financiers.

Au nom du Curateur public,

Curateur public

Curateur public adjoint

K.H. Bauman

Nous continuons de jouer notre rôle de décideur suppléant de dernier recours pour les personnes qui sont incapables de consentir à un traitement médical dans les hôpitaux publics de l'Ontario. De tous les services que nous offrons, rien n'est plus poignant que ce type d'interaction avec d'autres êtres humains. Avant d'assumer le rôle important de tuteur public, nous avons l'occasion d'apprendre et d'élaborer les politiques et les procédures dont nous aurons besoin pour assumer les nouvelles tâches prévues par les mesures législatives qui entreront bientôt en vigueur.

J'aimerais offrir mes sincères remerciements au personnel dévoué de ce bureau. Les efforts déployés chaque jour pour nos clients, dans des circonstances difficiles et exigeantes, représentent un exemple concret du dévouement au service public qui trop souvent n'est pas apprécié ou compris.

Veuillez agréer l'expression de mes sentiments distingués.

Le Curateur public de l'Ontario,



Hugh S. D. Paisley,



Ontario

Ministère du
Procureur général

Bureau du
Curateur public

416/362-1331

145, rue Queen ouest
Toronto (Ontario)
M5H 2N8

SOIXANTE ET ONZIÈME RAPPORT ANNUEL DU CURATEUR PUBLIC DE L'ONTARIO 1990-1991

Le 1^{er} mai 1991, le Bureau de curateur public a mis en service son nouveau système informatique de gestion en direct des comptes en fiducie. Après avoir passé une année entière à étudier les soumissions, à concevoir le système, à le mettre en place et à faire la conversion, on a terminé ce projet de 1,5 million de dollars dans les délais prévus et sans dépasser le budget. Bien qu'on continuera d'apporter des changements et des améliorations à ce système pendant l'exercice 1991-1992, il s'agit quand même d'un grand pas en avant. Je tiens à féliciter les membres du personnel du Bureau de l'engagement exceptionnel dont ils ont fait preuve dans le cadre de ce projet en augmentant leur charge de travail et en faisant des heures supplémentaires sans se plaindre et sans recevoir de rémunération.

Tel qu'indiqué dans les états financiers ci-joints, l'actif de nos clients et leurs successions augmentent sans cesse et la gestion des 23 000 fonds en fiducie qui nous sont confiés devient de plus en plus difficile. Nos ressources sont utilisées au maximum et notre charge de travail par membre du personnel demeure de deux à trois fois plus élevée que celle de tout autre bureau de curateur public au Canada. Il est important de se rappeler que nos clients paient pour les services qu'ils reçoivent. Bien que les activités du Bureau au cours d'un exercice donné soient financées à l'aide des fonds publics, un douzième de ces fonds sont remboursés chaque mois à même les recettes provenant des droits exigés des clients pour les services rendus. Tout excédent annuel est versé au Trésor. En fin de compte, le Bureau couvre ses frais et est l'un des rares organismes publics qui réalise un profit. Nous allons essayer de faire notre part en matière de restrictions financières et, dans la mesure du possible, d'augmenter les recettes du gouvernement.

Le transfert des titres et des valeurs corporelles de nos clients à d'autres institutions financières sera terminé à l'automne 1991. Ce transfert nous déchargera de nos responsabilités relatives aux services internes de garde et permettra d'établir un système double de conservation des dossiers à l'extérieur de ce bureau pour ces éléments d'actif. Pour la première fois depuis la création de ce bureau, les titres de nos clients sont maintenant analysés et évalués sur une base mensuelle en vue de leur vente ou de leur conservation en fonction d'un critère d'investissement. En faisant passer les investissements liquides de nos clients d'un placement individuel à un groupe-ment conservateur établi dans ce bureau et appliqué par nos courtiers. Aucun titre de participation n'est acheté par notre bureau. On facilitera les procédures d'investissement, ce qui permettra de mieux calculer les intérêts dus à chaque client comparativement à l'ancien système d'investissement et de réduire la charge de travail du Bureau. Les rapports que je reçois presque tous les jours sur les cas de plus en plus nombreux d'exploitation financière des personnes âgées continuent de me préoccuper. Les personnes vulnérables sont la proie de membres de leur famille, de professionnels et de faussaires sans scrupules et bien souvent nous sommes dans l'impossibilité de prévenir ou de rectifier la situation. Nous aimerions avoir les ressources nécessaires pour apporter une aide immédiate aux personnes touchées par ces circonstances tragiques. La situation ne se réglera pas toute seule et il semble y avoir de plus en plus de cas de ce genre.

Notre bureau attend avec impatience que soit terminée l'étude de la Commission de réforme du droit de l'Ontario sur le droit en matière de bienfaisance. Nos politiques et nos pratiques jusqu'à ce jour semblent avoir sensibilisé les sociétés de bienfaisance détenant des fonds en fiducie au droit en matière de bienfaisance et aux fonctions et responsabilités qui s'y rapportent.

SOIXANTE ET ONZIEME RAPPORT ANNUEL
DU CURATEUR PUBLIC DE
LA PROVINCE DE L'ONTARIO
31 MARS 1991



Ministère
du Procureur
général

Soixante et onzième
rapport annuel
du Curateur public
31 mars 1991

120N
180
277

Government
Publications



Ministry of
the
Attorney
General

**Public Trustee
Seventy-Second
Annual Report
March 31, 1992**

THE PUBLIC TRUSTEE FOR THE
PROVINCE OF ONTARIO
SEVENTY-SECOND ANNUAL REPORT
MARCH 31, 1992



Ministry of
the Attorney
General

Office of the
Public Trustee

416 / 314-2800

145 Queen Street West
Toronto, Ontario
M5H 2N8

SEVENTY-SECOND ANNUAL REPORT OF THE PUBLIC TRUSTEE OF ONTARIO 1991- 1992

This past fiscal year has been busy, challenging and exciting. Besides our routine duties, which grow annually as evidenced by the attached statements, the Office of the Public Trustee, along with the Office of the Official Guardian, engaged in extensive planning to co-host the 2nd International Conference of Public Trustee and Official Guardians.

Late in the year, research work was completed and a full tendering competition entered into, to engage the services of a fixed income fund investment management firm for the Public Trustee's second fixed income Pooled Fund. This will continue to bring steady, top quality investment expertise to the funds of the clients and estates managed by this office.

Computer security and detailed business interruption plans have been the focus of the technology committee along with extensive review of records retention policies and the possible adoption of "Imaging" technology to some of our internal processes. These investigations are preliminary to a more comprehensive business re-engineering study contemplated for the fall of 1992 and the winter of 1993. Driven partly by constraint and partly by the need for a modern approach to doing business these steps should bear fruit in the future operations of the office.

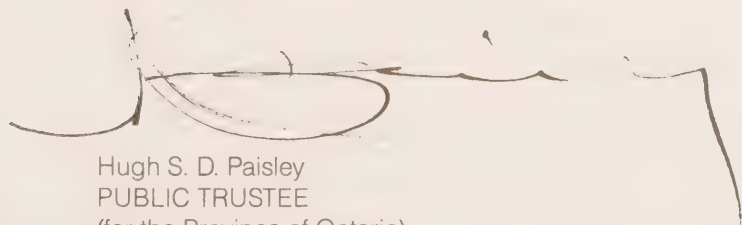
An Occupational Health and Safety Committee was established, toured the office and is currently making recommendations for employee safety and comfort. Our Employee Relations Committee has constructive regular meetings and we are increasing the involvement of staff more and more in the daily administration of the office.

Senior Management continues to monitor the Substitute Decision Act and Consent to Treatment legislation currently before the House in anticipation of substantial new responsibilities under the legislation when it is proclaimed.

The Charities Division remains actively involved in reviewing applications for charity incorporations and in numerous substantial matters before the courts.

I am pleased to acknowledge the hard work and firm commitment of the staff of this office.

Respectfully submitted,



Hugh S. D. Paisley
PUBLIC TRUSTEE
(for the Province of Ontario)



THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO

BALANCE SHEET AS AT MARCH 31, 1992

	1992	1991
ASSETS	(\$000's)	(\$000's)
ESTATES AND TRUSTS		
Cash in bank	1,432	224
Bonds and other debt issues	119,864	159,884
Funds invested (schedule A)	326,413	256,113
Real estate	80,242	78,006
Stocks and other securities	15,627	12,104
Mortgages and loans receivable	2,004	1,722
Life insurance	2,795	2,557
Other	4,734	5,713
	<u>553,111</u>	<u>516,323</u>
Deduct mortgages and loans payable	2,100	1,414
	<u>551,011</u>	<u>514,909</u>
ADMINISTRATION FUND (note 3)		
Cash in bank	165	120
Accounts receivable	12	
Funds invested (schedule A)	8,299	9,922
	<u>8,476</u>	<u>10,042</u>
	<u>559,487</u>	<u>524,951</u>
LIABILITIES		
ESTATES AND TRUSTS		
Clients' estates	462,045	425,532
Crown estates	47,261	47,397
Charities' Trusts	68	32
Probable escheats (note 4)	5,637	6,703
Executorship estates	18,168	19,693
Cemetery trusts	9,278	8,628
Corporate trusts	2,637	2,552
Forfeited corporate assets	1,698	1,623
Unclaimed balances	1,287	1,239
Indian trusts		84
Child-welfare trusts		3
Unadministered estates	2,195	638
Liability to government agencies	721	785
Other liabilities	16	
	<u>551,011</u>	<u>514,909</u>
ADMINISTRATION FUND (note 3)		
Current liabilities	815	737
Due to Treasurer of Ontario re forfeited funds of companies		4,665
Assurance fund (note 5)	200	200
Litigation reserve fund (note 6)	300	300
Allowance for doubtful accounts fund (note 7)	100	
	<u>1,415</u>	<u>5,902</u>
Surplus	7,061	4,140
	<u>8,476</u>	<u>10,042</u>
	<u>559,487</u>	<u>524,951</u>

See accompanying schedules and notes to financial statements.

On behalf of the Public Trustee for the Province of Ontario:

Public Trustee
 Deputy Public Trustee

THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO

STATEMENT OF REVENUE AND EXPENDITURE

YEAR ENDED MARCH 31, 1992

	<u>1992</u>	<u>1991</u>
	<u>(\$000's)</u>	<u>(\$000's)</u>
REVENUE		
Fees collected		
Clients' estates	7,262	6,339
Crown estates	940	600
Probable escheats	37	43
Executorship estates	201	192
Charities' trusts	128	255
Cemetery trusts	50	40
Corporate trusts	48	55
Forfeited corporate assets	67	73
	<hr/> 8,733	<hr/> 7,597
Bank interest	52	74
Income from funds invested, net (schedule B)	5,677	6,492
	<hr/> 14,462	<hr/> 14,163
 EXPENDITURE		
Salaries and wages	7,359	7,133
Employee benefits (note 8)	1,233	1,335
Services	1,632	2,001
Supplies and equipment	295	374
Transportation and communication	296	393
	<hr/> 10,815	<hr/> 11,236
 EXCESS OF REVENUE OVER EXPENDITURE	<hr/> 3,647	<hr/> 2,927

STATEMENT OF SURPLUS

YEAR ENDED MARCH 31, 1992

	<u>1992</u>	<u>1991</u>
	<u>(\$000's)</u>	<u>(\$000's)</u>
Balance, beginning of year	4,140	28,608
Excess of revenue over expenditure	3,647	2,927
	<hr/> 7,787	<hr/> 31,535
Transfer to consolidated revenue fund (note 3)	(335)	(27,000)
Reimbursement of claims on assurance fund	(2)	(40)
Transfer to establish litigation reserve fund (note 6)		(300)
Reimbursements of claims on litigation reserve fund	(289)	(55)
Transfer to establish allowance for doubtful accounts fund (note 7)	(100)	
Balance, end of year	<hr/> 7,061	<hr/> 4,140

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1992

SCHEDULE A

	(\$000's)	(\$000's)
	1992	1991
Short term investments	163,093	85,129
Long term investments (Schedule C)	160,952	171,448
Accrued interest	10,600	8,912
Cash in bank	67	546
	<u>334,712</u>	<u>266,035</u>
Allocated as follows:		
Estates and trusts	326,413	256,113
Administration fund (note 3)	8,299	9,922
	<u>334,712</u>	<u>266,035</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1992

SCHEDULE B

	(\$000's)	(\$000's)
	1992	1991
Interest earned on investments	29,286	21,180
Interest earned on bank accounts	535	1,363
	<u>29,821</u>	<u>22,543</u>
Deduct interest allowed	24,144	16,051
Income from funds invested, net	<u>5,677</u>	<u>6,492</u>

DETAILS OF LONG TERM INVESTMENTS

AS AT MARCH 31, 1992

SCHEDULE C

	(\$000's)	(\$000's)
	1992	1991
Ontario Hydro	23,014	33,046
Provincial Governments	22,968	29,952
Financial Institutions	114,970	108,450
Cost	<u>160,952</u>	<u>171,448</u>
Par Value	<u>161,000</u>	<u>171,400</u>
Market Value	<u>162,294</u>	<u>171,726</u>

See accompanying schedules and notes to financial statements.

THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 1992

1. GENERAL

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- the management of estates of mentally incompetent individuals;
- the administration of estates of persons who die in Ontario intestate and without next-of-kin;
- the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence; and
- a general supervisory role over charities.

2. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of accounting

Fees collected, bank interest and expenditures are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional thirty days to pay for debts incurred during the fiscal year just ended. Net income from funds invested is recorded on an accrual basis.

(b) Funds invested

Funds are invested in income producing short term investments or bonds which are normally held until maturity. These securities are shown at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

(c) Stocks and bonds of Estates and Trusts

Stocks and bonds of Estates and Trusts are recorded at their market value at the time of taking over the Estates and Trusts with an annual adjustment to market value at December 31 each year.

(d) Real estate

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

(e) Life insurance

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to valuation every two years.

(f) Fixed assets

Fixed assets are recorded as an expenditure when purchased.

THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO

NOTES TO THE FINANCIAL STATEMENTS (continued)

MARCH 31, 1992

3. ADMINISTRATION FUND

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund which are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the Office of the Public Trustee are paid from the Administration Fund.

Pursuant to section 9(5) of the Public Trustee Act, the Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund. In October 1991, \$335,000 was transferred from the Fund to the Consolidated Revenue Fund.

4. FUNDS ESCHEATED TO THE CROWN

The Public Trustee is authorized by the Escheats Act to take possession of unclaimed property reverting to the Crown under the Succession Law Reform Act, Business Corporations Act or common law. After a period of ten years, any property so received by the Public Trustee which remains unclaimed is transferred to the Consolidated Revenue Fund of the Province.

During the year, \$5.736 million (1991 – \$1.438 million) was transferred to the Province.

5. ASSURANCE FUND

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the office the Public Trustee might become liable. Accordingly, this Fund has been established at \$200,000 by transfers from the Administration Fund.

6. LITIGATION RESERVE FUND

In June 1990, the office of the Public Trustee authorized the transfer of \$300,000 from Surplus to a new Litigation Reserve Fund. The intent of the Fund is to cover costs of an opposing side's legal bills where the office of the Public Trustee is obligated to pay such costs.

During the year the Fund was reimbursed \$289,818 (1991 – \$55,000) for legal costs incurred on behalf of clients.

7. ALLOWANCE FOR DOUBTFUL ACCOUNTS FUND

During the year, the office of the Public Trustee authorized the transfer of \$100,000 from Surplus to a new Allowance for Doubtful Accounts Fund. The intent of the Fund is to provide for all client accounts whereby the Public Trustee has paid expenses on a client's behalf but is not expected to be able to recover the amount from the client.

8. PENSION PLAN

The office of the Public Trustee provides pension benefits for its permanent employees through participation in the Public Service Pension Fund established by the Province of Ontario. The office's share of contributions to the Fund during the year was \$466,039 (1991 – \$509,000) and is included in employee benefits in the Statement of Revenue and Expenditure. This amount includes current contributions and additional payments required to cover the office's share of the Fund's estimated unfunded liabilities on January 1, 1990. These additional payments will continue over thirty-eight years.

9. CONTINGENCIES

The Public Trustee is involved in various legal actions arising in the normal course of operations, the outcome and ultimate disposition of which are not determinable at this time.

10. COMPARATIVE FIGURES

Certain of prior year's figures have been reclassified to conform to the current year's presentation.



OFFICE OF THE PROVINCIAL AUDITOR
BUREAU DU VÉRIFICATEUR PROVINCIAL

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(416) 974-9866 Télécopieur (416) 324-7012

To the Public Trustee for the Province of Ontario and
to the Attorney General

I have audited the balance sheet of the Public Trustee for the Province of Ontario as at March 31, 1992 and the statements of revenue and expenditure and surplus for the year then ended. These financial statements are the responsibility of the Public Trustee's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Public Trustee for the Province of Ontario as at March 31, 1992 and the results of his operations for the year then ended in accordance with the accounting policies described in note 2 to the financial statements.

Toronto, Ontario
June 25, 1992

J.F. Otterman, F.C.A.,
Assistant Provincial Auditor

THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO

STATISTICAL REVIEW

AS AT MARCH 31, 1992

	<u>1992</u>	<u>1991</u>
	<u>(\$000's)</u>	<u>(\$000's)</u>
Assets under Administration	562,939	524,951
Revenue	14,462	14,163
Operating Expenses	10,815	11,236
Excess of Revenue over Expenditure	3,647	2,927
Surplus	7,061	4,140
Cash Receipts	245,737	311,262
Funds Invested by the Public Trustee at Book Value	324,045	256,577

	<u>1992</u>	<u>1991</u>
No. of Files – Estates and Trusts	24,203	24,162
No. of Files – Charities	61,985	59,351
No. of Staff – Permanent	152	154
– Contract	5	12

STATUTES AFFECTING THE PUBLIC TRUSTEE FOR THE PROVINCE OF ONTARIO

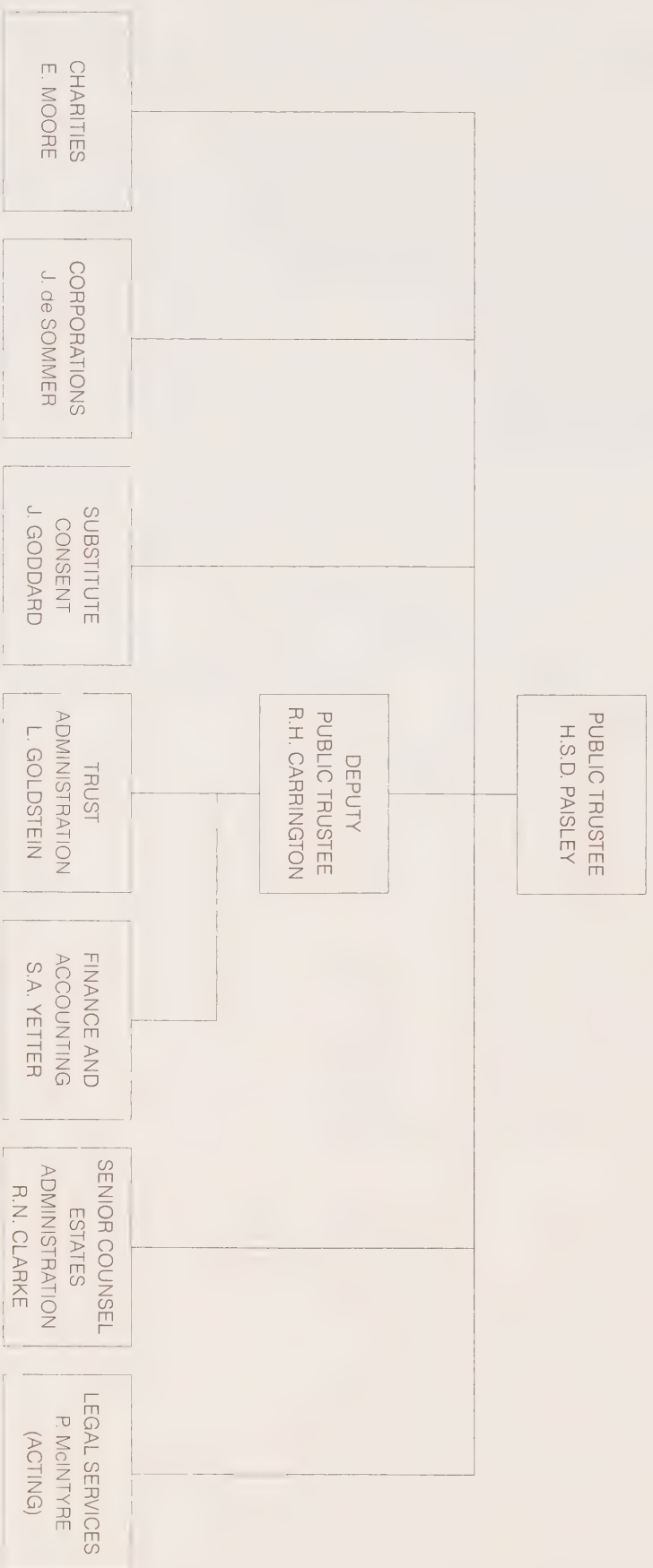
ONTARIO

Bulk Sales Act, R.S.O. 1990, c. B. 14
Business Corporations Act, R.S.O. 1990, c. B. 16
City of Toronto Act, S.O. 1981, c. 103, s. 5
Cemeteries Act, R.S.O. 1990, c. C. 3
Cemeteries Act (Revised) R.S.O. 1990, c. C. 4
Charitable Gift Act, R.S.O. 1990, c. C. 8
Charities Accounting Act, R.S.O. 1990, c. C. 10
Compensation for Victims of Crime Act, R.S.O. 1990, c. C. 24
Co-operative Corporations Act, R.S.O. 1990, c. C. 35
Corporations Act, R.S.O. 1990, c. C. 38
Crown Administration of Estates Act, R.S.O. 1990, c. C. 47
Developmental Services Act, R.S.O. 1990, c. D. 11
Escheats Act, R.S.O. 1990, c. E. 20
Estates Act, R.S.O. 1990, c. E. 21
Estates Administration Act, R.S.O. 1990, c. E. 22
Family Benefits Act, R.S.O. 1990, c. F. 2
Family Law Act, R.S.O. 1990, c. F. 3
Homes for Special Care Act, R.S.O. 1990, c. H. 12
Human Tissue Gift Act, R.S.O. 1990, c. H. 20
Loan and Trust Corporations Act, R.S.O. 1990, c. L. 25
Mental Health Act, R.S.O. 1990, c. M. 7
Mental Hospitals Amendment Act, S.O. 1967, s. 49-51
Municipal Tax Sales Act, R.S.O. 1990, c. M. 60
Powers of Attorney Act, R.S.O. 1990, c. P. 20
Public Hospitals Act, O. Reg. 518/88
Public Trustee Act, R.S.O. 1990, c. P. 51
Religious Organizations' Lands Act, R.S.O. 1990, c. R. 23
Rules of Civil Procedure
Succession Law Reform Act, R.S.O. 1990, c. S. 26
Trustee Act, R.S.O. 1990, c. T. 23
Unclaimed Intangible Property Act, R.S.O. 1990, c. U. 1
Workers' Compensation Act, R.S.O. 1990, c. W. 11

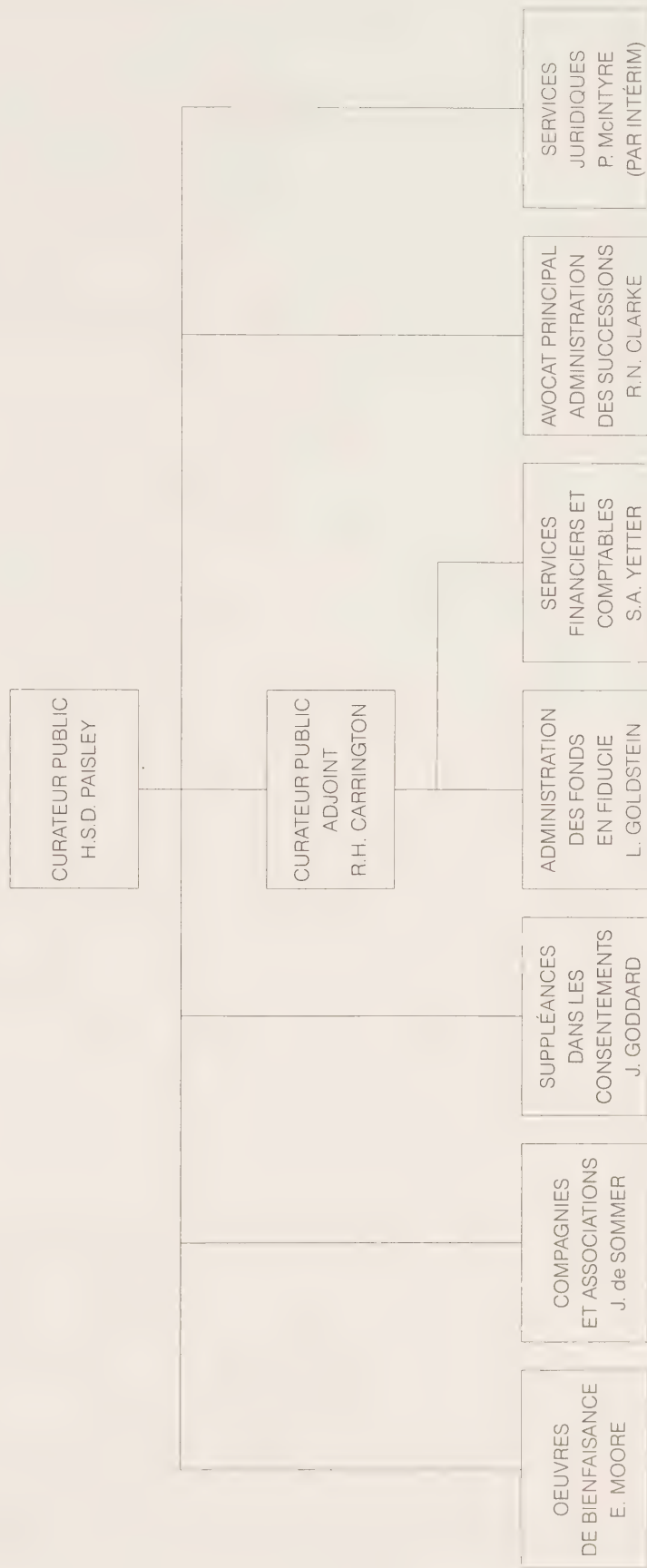
BY CONSENT, PUBLIC TRUSTEE ACCEPTS TRUSTS PURSUANT TO:

1. Department of Veterans Affairs Act, R.S. 1985, c. V-1
2. Indian Act, R.S. 1985, C. 1-6
3. Absentees Act, R.S.O. 1990, c. A. 3
4. Expropriations Act, R.S.O. 1990, c. E. 26
5. Mental Incompetency Act, R.S.O. 1990, c. M. 9

ORGANIZATION CHART - OFFICE OF THE PUBLIC TRUSTEE



ORGANIGRAMME - BUREAU DU CURATEUR PUBLIC



ONTARIO

- Loi sur la vente en bloc, L.R.O. 1990, chap. B.14
- Loi sur les sociétés par actions, L.R.O. 1990, chap. B.16
- City of Toronto Act, S.O. 1981, chap. 103, art. 5
- Loi sur les cimetières, L.R.O. 1990, chap. C.3
- Loi sur les cimetières (révisée), L.R.O. 1990, chap. C.4
- Loi sur les dons de bienfaisance, L.R.O. 1990, chap. C.8
- Loi sur la comptabilité des oeuvres de bienfaisance, L.R.O. 1990, chap. C.10
- Loi sur l'indemnisation des victimes d'actes criminels, L.R.O. 1990, chap. C.24
- Loi sur les sociétés coopératives, L.R.O. 1990, chap. C.35
- Loi sur les personnes morales, L.R.O. 1990, chap. C.38
- Loi sur l'administration des successions par la Couronne, L.R.O. 1990, chap. C.47
- Loi sur les services aux personnes atteintes d'un handicap de développement, L.R.O. 1990, chap. D.11
- Loi sur les biens en déshérence, L.R.O. 1990, chap. E.20
- Loi sur les successions, L.R.O. 1990, chap. E.21
- Loi sur l'administration des successions, L.R.O. 1990, chap. E.22
- Loi sur les prestations familiales, L.R.O. 1990, chap. F.2
- Loi sur le droit de la famille, L.R.O. 1990, chap. F.3
- Loi sur les foyers de soins spéciaux, L.R.O. 1990, chap. H.12
- Loi sur le don de tissus humains, L.R.O. 1990, chap. H.20
- Loi sur les sociétés de prêt et de fiducie, L.R.O. 1990, chap. L.25
- Loi sur la santé mentale, L.R.O. 1990, chap. M.7
- Mental Hospitals Amendment Act, S.O. 1967, art. 49-51
- Loi sur les ventes pour impôts municipaux, L.R.O. 1990, chap. M.60
- Loi sur les procurations, L.R.O. 1990, chap. P.20
- Loi sur les hôpitaux publics, Régl. de l'Ont. 518/88
- Loi sur le curateur public, L.R.O. 1990, chap. P.51
- Loi sur les biens-fonds des organisations religieuses, L.R.O. 1990, chap. R.23
- Règles de procédure civile
- Loi portant réforme du droit des successions, L.R.O. 1990, chap. S.26
- Loi sur les fiduciaires, L.R.O. 1990, chap. T.23
- Loi sur les biens immatériels non réclamés, L.R.O. 1990, chap. U.1
- Loi sur les accidents du travail, L.R.O. 1990, chap. W.11

**SUR CONSENTEMENT, LE CURATEUR PUBLIC ACCEPTE LES FONDS EN FIDUCIE
EN VERTU DES LOIS SUIVANTES :**

1. Loi sur le ministère des anciens combattants, S.R. 1985, chap. V-1
2. Loi sur les Indiens, S.R. 1985, chap. I-6
3. Loi sur les absents, L.R.O. 1990, chap. A.3
4. Loi sur l'expropriation, L.R.O. 1990, chap. E.26
5. Loi sur l'incapacité mentale, L.R.O. 1990, chap. M.9

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

EXAMEN STATISTIQUE

AU 31 MARS 1992

	1992	1991
Actif administré	562 939	524 951
Recettes	14 462	14 163
Dépenses de fonctionnement	10 815	11 236
Excédent des recettes sur les dépenses	3 647	2 927
Excédent	7 061	4 140
Rentree de fonds	245 737	311 262
Placements effectués par le curateur public selon la valeur comptable	324 045	256 577
<hr/>		
Nombre de dossiers – Successions et fonds en fiducie	24 203	24 162
Nombre de dossiers – Oeuvres de bienfaisance	61 985	59 351
Membres du personnel – Permanent	152	154
– Sous contrat	5	12
	1992	1991

Toronto (Ontario)
25 juin 1992

J. F. Otterman, F.C.A.,
Provincial adjoint

J. F. Otterman

J'ai vérifié le bilan du curateur public de la province de l'Ontario au 31 mars 1992 et les états des recettes et dépenses et de l'excédent de l'exercice terminé à cette date. La responsabilité de ces états financiers incombe à la direction du Bureau du curateur public. Ma responsabilité consiste à exprimer une opinion sur ces états financiers en me fondant sur ma vérification.

Ma vérification a été effectuée conformément aux normes de vérification généralement reconnues. Ces normes exigent que la vérification soit planifiée et exécutée de manière à fournir un degré raisonnable de certitude quant à l'absence d'inexactitudes importantes dans les états financiers. La vérification comprend le contrôle par sondages des informations probantes à l'appui des montants et des autres éléments d'information fournis dans les états financiers. Elle comprend également l'évaluation des principes comptables suivis et des estimations importantes faites par la direction, ainsi qu'une appréciation de la présentation d'ensemble des états financiers.

À mon avis, ces états financiers présentent fidèlement, à tous égards importants, la situation financière du curateur public de la province de l'Ontario au 31 mars 1992, ainsi que les résultats de son exploitation pour l'exercice terminé à cette date selon les principes comptables décrits à la note 2 afférente aux états financiers.

Au Curateur public de la province de l'Ontario
et au procureur général

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OFFICE OF THE PROVINCIAL AUDITOR
BUREAU DU VÉRIFICATEUR PROVINCIAL



31 MARS 1992

3. COMPTE DU FONDS D'ADMINISTRATION

Le fonds d'administration est le compte de fonctionnement du curateur public. On y dépose les droits perçus par le curateur en contrepartie des services rendus pour chaque succession ou patrimoine, conformément aux dispositions de la *Loi sur le curateur public*.

Les excédents de trésorerie du fonds d'administration qui ne sont pas nécessaires au fonctionnement sont investis, tout comme les liquidités des successions et des fonds en fiducie. Les intérêts créditeurs nets de ces placements sont virés au compte du fonds d'administration, après déduction des intérêts versés sur les fonds des successions et les fonds en fiducie, conformément aux dispositions de la Loi.

Le fonds d'administration sert également au règlement de tous les frais de fonctionnement engagés par le Bureau du curateur public.

Conformément au paragraphe 9(5) de la *Loi sur le curateur public*, le lieutenant-gouverneur en conseil peut, de temps à autre, ordonner le virement de tout solde créditeur du fonds d'administration au compte du Trésor.

4. FONDS DÉVOLUS À LA COURONNE

La Loi sur les biens en déshérence autorise le curateur public à prendre possession des biens vacants échus par droit à la Couronne, conformément aux dispositions de la *Loi portant réforme du droit des successions*, de la *Loi sur les sociétés par actions*, ou en vertu de la common law. Les biens non réclamés au bout de 10 ans sont affectés au Trésor de la province.

Au cours de l'exercice, les sommes ainsi acquises par la province se sont élevées à 5,736 millions de dollars (1,438 million de dollars en 1991).

5. CAISSE D'ASSURANCE

Les règlements pris en application de la Loi disposent que le Bureau du curateur public est tenu de constituer une caisse d'assurance en vue de se protéger contre certaines pertes dont il pourrait avoir à assumer la responsabilité. La somme de 200 000 \$, prélevée sur le fonds d'administration, a été virée à ce compte.

6. CAISSE DE RÉSERVE DANS LES CAS DE LITIGE

En juin 1990, le Bureau du curateur public a autorisé le virement d'une somme de 300 000 \$ du compte de l'excédent au compte de la Caisse de réserve dans les cas de litige. L'objectif de cette caisse est de couvrir les frais juridiques de la partie adverse lorsque le Bureau du curateur public doit payer ces frais.

Au cours de l'exercice, la Caisse a reçu des remboursements de 289 818 \$ (55 000 \$ en 1991) au titre des frais de justice engagés au nom de clients.

7. CAISSE DE PROVISION POUR CRÉANCES DOUTEUSES

Au cours de l'exercice, le Bureau du curateur public a autorisé le virement de 100 000 \$ du compte de l'excédent au compte d'une nouvelle Caisse de provision pour créances douteuses. Les fonds de cette caisse seront utilisés dans les cas où le curateur public a payé des frais au nom d'un client mais qu'il ne croit pas pouvoir récupérer le montant en question auprès de ce client.

8. RÉGIME DE RETRAITE

Le Bureau du curateur public assure des prestations de retraite à tous ses employés permanents en contribuant à la Caisse de retraite des fonctionnaires, laquelle a été établie par la province de l'Ontario. La contribution du Bureau à la Caisse se chiffrait à 466 039 \$ au cours de l'exercice (509 000 \$ pour 1991) et est incluse dans le poste des avantages sociaux à l'état des recettes et des dépenses. Ce montant comprend les contributions courantes et les versements supplémentaires requis pour payer la part du Bureau des dettes non provisionnées estimatives de la Caisse au 1^{er} janvier 1990. Ces versements supplémentaires seront effectués pendant 38 ans.

9. ÉVENTUALITÉS

Le curateur public prend part à diverses poursuites judiciaires dans le cadre de ses activités courantes et on ne peut prévoir à l'heure actuelle, la façon dont ces poursuites seront réglées.

10. CHIFFRES CORRESPONDANTS DE L'EXERCICE PRÉCÉDENT

Certains chiffres de l'exercice précédent ont été reclassifiés pour respecter la présentation du présent exercice.

1. GÉNÉRALITÉS :

En vertu d'un certain nombre de lois, le curateur public est investi de plusieurs fonctions, qui comprennent essentiellement les responsabilités suivantes

- la gestion des biens des incapables mentaux;
- l'administration de la masse successorale de personnes décédées en Ontario sans testament et n'ayant plus aucun proche parent;
- la gestion des biens vacants ou ayant appartenu à une société dissoute, dévolus à la Couronne conformément aux dispositions de la *Loi sur les biens en désherence*;
- une fonction générale de surveillance de l'activité des sociétés de bienfaisance.

2. PRINCIPALES CONVENTIONS COMPTABLES

(a) Méthode de comptabilité

Les droits perçus, les intérêts bancaires et les charges sont inscrits selon la méthode de la comptabilité de caisse, modifiée de façon à accorder 30 jours supplémentaires pour le paiement des dettes contractées au cours de l'exercice écoulé. Les produits financiers nets des placements effectués sont inscrits selon la méthode de la comptabilité d'exercice.

(b) Placements

Les fonds sont investis dans des obligations ou des placements à court terme productifs de revenus, lesquels sont normalement détenus jusqu'à la date d'échéance. Ces titres sont présentés au prix coûtant compte tenu de l'amortissement des primes ou escomptes d'émission à la date d'achat, et ce jusqu'à la date d'échéance.

(c) Actions et obligations des successions et des fonds en fiducie

Les actions et obligations des successions et des fonds en fiducie sont inscrites à leur valeur marchande au moment de la prise en charge des successions et des fonds en fiducie et un rajustement annuel pour faire correspondre la valeur de ces titres à leur valeur marchande est fait le 31 décembre de chaque année.

(d) Biens immobiliers

Les biens immobiliers sont inscrits à leur valeur d'expertise au moment de la constitution du fonds et font l'objet de réévaluations périodiques.

(e) Assurance-vie

Les contrats d'assurance-vie sont inscrits à leur valeur de rachat nette au moment de la constitution du fonds et sont réévalués tous les deux ans.

(f) Immobilisations

Les immobilisations sont inscrites à titre de dépenses au moment de leur acquisition.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

DÉTAILS DES PLACEMENTS

AU 31 MARS 1992

ANNEXE A

1991

1992

(EN MILLIERS DE DOLLARS)

163 093	160 952	85 129
10 600	171 448	546
67	8 912	266 035

Placements à court terme
Placements à long terme (annexe C)
Intérêts courus
Fonds en banque

Répartis comme suit :

Successions et fonds en fiducie
Compte du fonds d'administration (note 3)

326 413	334 712	256 113
8 299	9 922	266 035

RECETTES DE PLACEMENT

POUR L'EXERCICE TERMINÉ LE 31 MARS 1992

ANNEXE B

1991

1992

(EN MILLIERS DE DOLLARS)

29 286	535	21 180
29 821	24 144	16 051
5 677	6 492	

Intérêts sur placements
Intérêts sur comptes en banque
Moins les intérêts versés
Recettes nettes de placement

DÉTAILS DES PLACEMENTS À LONG TERME

AU 31 MARS 1992

ANNEXE C

1991

1992

(EN MILLIERS DE DOLLARS)

23 014	22 968	33 046
114 970	29 952	108 450
160 952	171 448	

Ontario Hydro
Gouvernements provinciaux
Institutions financières
Coût

Valeur nominale

161 000	171 400
---------	---------

Valeur marchande

162 294	171 726
---------	---------

Voir les notes afférentes aux états financiers.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

ÉTAT DES RECETTES ET DÉPENSES

POUR L'EXERCICE TERMINÉ LE 31 MARS 1992

1992
1991

(EN MILLIERS DE DOLLARS)

RECETTES		
Droits perçus	7 262	6 339
Patrimoines de clients	940	600
Biens probablement en désherence	37	43
Successions – chargé d'exécuteur testamentaire	201	192
Fonds en fiducie de sociétés de bienfaisance	128	255
Fonds en fiducie pour cimetières	50	40
Fonds en fiducie de sociétés	48	55
Biens appartenant à des sociétés dissoutes	67	73
Intérêts bancaires	8 733	7 597
	52	74
Recettes nettes de placement (annexe B)	5 677	6 492
	14 462	14 163

DÉPENSES

Traitements et salaires	7 359	7 133
Avantages sociaux (note 8)	1 233	1 335
Services	1 632	2 001
Fournitures et matériel	295	374
Transports et communications	296	393
	10 815	11 236
EXCÉDENT DES RECETTES SUR LES DÉPENSES	3 647	2 927

ÉTAT DE L'EXCÉDENT

POUR L'EXERCICE TERMINÉ LE 31 MARS 1992

1992
1991

(EN MILLIERS DE DOLLARS)

Excédent des recettes sur les dépenses	4 140	28 608
Solde au début de l'exercice	3 647	2 927
	7 787	31 535
Somme transférée au Trésor (note 3)	(335)	(27 000)
Remboursement de demandes de règlement auprès de la Caisse d'assurance	(2)	(40)
Somme transférée pour établir la Caisse de réserve dans les cas de litige (note 6)		(300)
Remboursement de demandes de règlement auprès de la Caisse de réserve dans les cas de litige	(289)	(55)
Somme transférée pour établir la Caisse de provision pour créances douteuses (note 7)	(100)	
Solde à la fin de l'exercice	7 061	4 140

Voir les annexes et notes afférentes aux états financiers.

LE CURATEUR PUBLIC DE LA PROVINCE DE L'ONTARIO

BILAN AU 31 MARS 1992

(EN MILLIERS DE DOLLARS)

1992 1991

ACTIF

SUCCESSIONS ET FONDS EN FIDUCIE

Fonds en banque
Obligations et autres émissions obligataires
Placements (annexe A)
Biens immobiliers
Actions et autres titres
Créances hypothécaires et prêts non remboursés
Assurance-vie
Autres

Moins les emprunts hypothécaires et les emprunts non remboursés

COMPTE DU FONDS D'ADMINISTRATION (note 3)

Fonds en banque
Débiteurs
Placements (annexe A)

PASSIF ET EXCÉDENT

SUCCESSIONS ET FONDS EN FIDUCIE

Patrimoines de la Couronne
Fonds en fiducie de sociétés de bienfaisance
Biens probablement en désheréance (note 4)
Successions – charge d'exécuteur testamentaire
Fonds en fiducie pour cimetières
Fonds en fiducie de sociétés
Biens appartenant à des sociétés dissoutes
Soldes non réclamés
Fonds en fiducie pour les Indiens
Fonds en fiducie pour enfants
Successions non administrées
Obligations envers des organismes gouvernementaux
Autres éléments de passif

COMPTE DU FONDS D'ADMINISTRATION (note 3)

Passif à court terme

Sommes à remettre au trésorier de l'Ontario –

Fonds confiés à des sociétés

Caisse d'assurance (note 5)

Caisse de réserve dans les cas de litige (note 6)

Caisse de provision pour créances douteuses (note 7)

Excédent

Voir les annexes et notes afférentes aux états financiers.

Au nom du curateur public de la province de l'Ontario:

Curateur public

Curateur public adjoint



Ministère
du Procureur
général

Bureau du
Curateur public

145, rue Queen ouest
Toronto (Ontario)
M5H 2N8

SOIXANTE-DOUZIÈME RAPPORT ANNUEL DU CURATEUR PUBLIC DE L'ONTARIO 1991 - 1992

L'exercice qui vient de s'écouler s'est avéré mouvementé et stimulant, et nous a donné l'occasion de relever de nombreux défis. En plus de nos tâches habituelles, qui prennent de plus en plus d'importance chaque année, comme en témoignent les états financiers ci-inclus, le Bureau du curateur public, de concert avec le Bureau du Tuteur public, a aidé à la planification du 2^e colloque international des curateurs et des tuteurs publics auquel il participera à titre d'hôte conjoint.

Vers la fin de l'exercice, et après avoir effectué les recherches nécessaires, un appel d'offres a été lancé pour retenir les services d'une société de gestion de placements de fonds à revenu fixe pour gérer le deuxième fonds commun à revenu fixe du curateur public. Il sera ainsi possible de continuer à profiter d'une expertise de qualité pour le placement des fonds de nos clients et des successions gérées par ce bureau.

Le comité de technologie a porté son attention sur la sécurité informatique et sur des plans détaillés relatifs à l'interruption des activités. Il a également effectué un examen approfondi des politiques de conservation des documents et a examiné la possibilité d'utiliser la technologie de l'imagerie dans le cadre de certains de nos procédés internes. Ces examens représentent la première étape d'une étude plus globale portant sur la réorganisation des activités du bureau prévue pour l'automne de 1992 et l'hiver de 1993. Ces démarches, qui s'appliquent en partie par certaines contraintes et en partie par la nécessité d'adopter une approche moderne à l'égard des activités, devraient améliorer le fonctionnement futur du bureau.

Le comité de la santé et de la sécurité au travail mis sur pied pendant l'exercice a parcouru le bureau et préparé actuellement des recommandations sur la sécurité et le confort des employés. Les réunions régulières du comité des relations avec les employés se sont avérées constructives et le personnel a participé davantage à l'administration quotidienne du bureau.

La haute direction a continué à suivre l'évolution de la Loi de 1991 sur la prise de décisions au nom d'autrui, ainsi que de la Loi de 1991 sur le consentement au traitement, présentement à l'étude devant l'Assemblée législative, afin de pouvoir déterminer quelles seront les nouvelles responsabilités que le bureau aura à assumer une fois que ces mesures législatives entreront en vigueur.

La Division des oeuvres de bienfaisance a continué de participer activement à l'examen des demandes de constitution en société de bienfaisance et à l'étude des nombreuses questions d'importance entendues par les tribunaux.

Il me fait plaisir de reconnaître les gros efforts des membres du personnel du bureau, ainsi que l'engagement pris par ces derniers pour servir la population.

Veuillez agréer l'expression de mes sentiments distingués.

Le Curateur public de l'Ontario,


Hugh S. D. Paisley
PUBLIC TRUSTEE

SOIXANTE—DOUZIÈME RAPPORT ANNUEL
DU CURATEUR PUBLIC DE
LA PROVINCE DE L'ONTARIO
31 MARS 1992



Ministère
du Procureur
général

Soixante-douzième
rapport annuel
du Curateur public
31 mars 1992

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- P 77



Ministry of
the Attorney
General



Commonwealth
of the Northern
Mariana Islands

Office

of the

Public

Trustee

Seventy-Fourth

Annual Report

March 31, 1994



OFFICE OF THE
PUBLIC TRUSTEE

SEVENTY-FOURTH

ANNUAL REPORT

MARCH 31, 1994

MESSAGE FROM THE PUBLIC TRUSTEE



This 74th Annual Report of the Office of the Public Trustee of Ontario finds the Office in the midst of transformation and renewal.

The last few years, and especially the last year, have seen substantial change and reorganization. The Office of the Public Trustee has set itself new standards in quality for client services and is building the administrative, support, and human systems demanded by increasingly complex caseloads. For example:

- ◆ A new data system has been put in place.
- ◆ Staff levels have been increased to reduce caseloads to manageable levels.
- ◆ New staff development and training programs have been put in place.
- ◆ New standards of service have been set for all areas of operation.
- ◆ New service units have been created.
- ◆ Appropriate decision-making authority has been delegated to front-line staff to ensure responsiveness to clients.
- ◆ New working relationships have been built with community and professional stakeholders.
- ◆ New operating partnerships have been created with suppliers of financial, tax, and real-estate services.

Staff and management have worked together to design and implement these changes. The result is an Office that is more efficient, professional, and client-focused than ever before, prepared to meet stringent standards of client service.

Yet the changes that have occurred are only a preamble to those that are coming.

The Unclaimed Intangible Property Program will be implemented in 1995. The Program will ensure that rightful owners will recover lost, abandoned, or forgotten funds, through a recovery and distribution service run by the Office.

Early in 1995, the *Substitute Decisions Act* will be proclaimed. Along with the *Advocacy Act* and the *Consent to Treatment Act*, the *Substitute Decisions Act* is part of a package of new laws designed to:

- ◆ promote the rights and autonomy of the individual

- ◆ safeguard against the abuse, neglect, and exploitation of those who cannot make decisions on their own behalf
- ◆ increase the accountability of those who support and care for adults who are vulnerable or mentally incapable
- ◆ support the role of families and friends in personal decision-making

Under the *Substitute Decisions Act*, the Office of the Public Trustee will become the Office of the Public Guardian and Trustee, and will assume significant new responsibilities. Where the Public Trustee was responsible only to act as trustee for the financial affairs of clients, the new Office will administer property management (financial affairs) as well as provide guardianship or substitute decision-making services for personal care (in areas such as shelter, food, clothing, hygiene, personal safety, and health care).

Over the past year, the Substitute Decisions Project Team has been working within the Office of the Public Trustee to develop the regulations, policies, systems, and organizational design necessary for the implementation of the Act. It has also launched the first phase of a public information campaign designed to ensure that the public is aware of the Act.

In the coming year all the social justice programs of the Ministry of the Attorney General, including the Office of the Public Trustee, will be located in a single division of the Ministry, to be known as the Social Justice Services Division. This will strengthen the focus on the provision of the highest-quality client services.

The objective of this report is to paint a portrait of these changes in the Office — to look back at the original mandate of the Public Trustee and to review the challenges that are driving it forward to its new role as the Office of the Public Guardian and Trustee.

The Mandate of the Public Trustee

The primary function of the Office of the Public Trustee is to manage the financial affairs of people who are unable to manage their affairs on their own and who have no other person who can make the decisions for them.

Susan G. Himel
Acting Public Trustee

THE IMPACT OF SOCIAL CHANGE



When Is a Person Incapable?

- A person is incapable
- If they are not
- Able to understand
- The nature and consequences
- Of their actions
- And to make
- Reasonable decisions
- And to understand the
- Risks and benefits of
- The proposed
- Action

The basic function of the Public Trustee is to protect the value of property belonging to those who, because they are incapable, are unable to protect themselves and who have no one else who can make decisions for them.

This mandate has never varied. Yet in the 74 years since it was created, the practical tasks of the Public Trustee have changed dramatically, due largely to emergent changes and pressures in the social environment.

In its early years, the work of the Office was much more straightforward than today. Most clients were patients in psychiatric hospitals. Under the legislation of the time, trusteeship continued only as long as a person stayed in residential care; when clients left the hospital, trusteeship ended. Many of the Office's clients were indigent, and those who had assets owned mainly savings accounts. Few had assets that needed active management, and income streams and outlays for living expenses were relatively easy to manage.

All this began to change rapidly in the late sixties and seventies, as shifting social forces brought new pressures to bear on the functions of the Office. For example:

- ◆ The number of elderly people in our society began to increase rapidly.
- ◆ For those with mental illness, new legislation continued trusteeship beyond the period of hospital care.
- ◆ A trend toward de-institutionalization meant that more people were cared for in the community.
- ◆ Increasing affluence and years of inflation meant that many clients had large financial assets that needed management. At the same time, the diversity and complexity of financial assets grew.
- ◆ The growth of our social safety net meant that for many clients, assets took the form of payment streams of social benefits.

The impact of these changes on the Office has been profound. There has been an increased need for personal service and closer client relationships. There has been an increased need for responsiveness, for an ability to act quickly on behalf of clients who are out in their communities. And there has been a growing need for the Office to maintain a professional level of financial expertise.

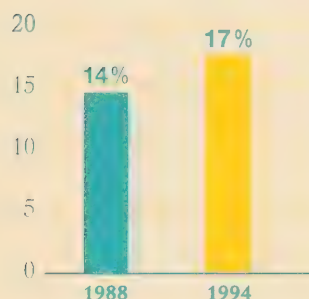
Most importantly, with more clients living in the community, the Office found itself dealing not just with financial assets, but with ways in which decisions about those assets affect the daily lives of clients. In fact, it has become evident that in our changing society, the two cannot be kept separate. In a foreshadowing of its new role under the *Substitute Decisions Act*, the Office has been dealing more often with aspects of personal care arising out of financial decisions.

In effect, over the years, social changes have impelled the Office to shift from an “asset focus” to a “client focus.” And with the focus on individual clients has come the necessity of maintaining the highest possible standards in client service.

“From its beginning up until the late sixties and early seventies, the Office was a conservator of assets, not a manager of assets. Now we not only manage assets, but the role is more holistic, compensation in the process.”

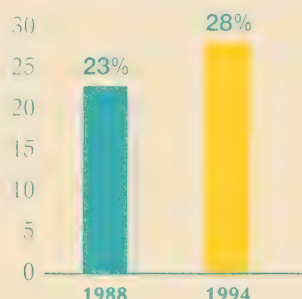
— Dennis Beutler

Approximate Percentage of Clients Aged 80 Years or More, 1988 and 1994



Consistent with demographic trends in our society, more and more of the Office's clients are elderly persons.

Approximate Percentage of Clients Living in the Community, 1988 and 1994



As part of a long-term trend, more and more of the Office's clients are living in the community.

THE SERVICE FUNCTIONS OF THE OFFICE



"We become substitute decision-makers only as a last resort. Our first priority is to ensure that the families and friends of vulnerable adults are able to make decisions for them if and when necessary. However, if somebody does become our client, then our focus is on the delivery of the highest-quality services."

— Debbie Oakley
Manager, Public Trustee
Services

Client Services

The Client Services Division is responsible for client accounts and relationships. Currently the division consists of a core of Trust Officers managing approximately 16,000 client and crown estate accounts worth a total of \$508 million. Key service areas include:

- ◆ Trust Administration — which works with clients, their families, and professional caregivers; secures and manages the assets of clients; identifies cases of financial abuse and works with legal staff to resolve these issues; makes financial claims on behalf of clients; and represents their interests when claims are made against them
- ◆ Asset Administration — which manages securities services, including income collection and sales; and which manages real property on behalf of clients
- ◆ Investigations — which inventories client assets and secures them for the clients' protection; and which interviews clients and their "social networks."

Legal Services

The Legal Services Division provides legal support to other units, protects the clients' rights, manages the day-to-day legal affairs of approximately 15,000 Trust Administration clients, and functions as the litigation guardian of last resort for people who are involved in litigation but who cannot make decisions for themselves. Other service functions include:

- ◆ Crown Estates — which administers the estates of people who die in Ontario without a will or known adult relatives
- ◆ Dissolved Corporations — which is responsible for receiving, holding, and dealing with the assets of dissolved Ontario corporations
- ◆ Charitable Properties — which protects property entrusted to charity through the supervision of executors, trustees, and Ontario's 65,000 charities
- ◆ Cemeteries — which manages the investment of perpetual care funds that are used for the ongoing maintenance of the province's cemeteries

Treatment Decisions

The Office of the Public Trustee has had a role in treatment decisions since 1987. Under the new *Consent to Treatment Act*, the Public Guardian and Trustee has an expanded role as a decision-maker of last resort on questions of medical, dental, and psychiatric care. The Treatment Decisions Unit makes these decisions on behalf of clients only when no other decision-maker is available. It is estimated that as many as 5,000 clients will require treatment decisions each year.

In making these decisions, the Treatment Decisions Unit functions as an informed layperson, and works closely with health care providers and other caregivers to ensure that appropriate decisions are being made.

Corporate Support Services

Corporate Support Services provides the critical internal support function essential in maintaining high standards of client service. Key service areas include:

- ◆ Finance
- ◆ Technology
- ◆ Administrative Support
- ◆ Human Resources
- ◆ Communications



"Too often individuals become our clients only after suffering financial abuse. Redressing those past wrongs through the active protection of our clients' legal rights is fundamental to our job."

— Jay Chalke
Deputy Public Trustee,
Legal Services

MAJOR INNOVATIONS

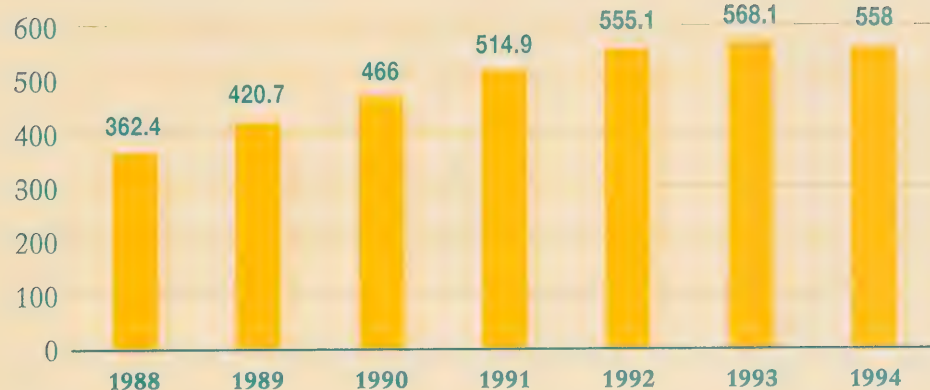
The last few years have seen many innovations in the operations of the Office, most aimed at improving the level of client service. The following is a short list of major initiatives.

- 1994 New policies, procedures, and operating standards defined for all divisions in the Office.
- 1994 Comprehensive review of delegation of authority within the Office to allow for prompt decision-making on behalf of clients while ensuring standards of care.
- 1994 Numerous staff development initiatives, including enhanced management training, continuing education, and race relations training.
- 1994 Increase of staffing levels by 46 permanent positions to eliminate backlogs, reduce the average caseload, and improve the delivery of service to clients.
- 1994 Establishment of partnerships with banks and corporations for the electronic transmission of funds and information, in order to facilitate the more timely receipt of income for our clients.
- 1993 Centralized payment of all client invoices using new computer technology, allowing trust administration staff to spend more time directly serving clients.
- 1993 Comprehensive operational review of management and accountability structures, business practices, design of client service units, and the general deployment of staff.
- 1993 Contracting of a single company through a tendering process to provide realty sales services and comprehensive property management services.
- 1993 Elimination of the backlog in the closing out of client files.
- 1992 Retention of an investment manager for the longer-term portion of the investment pool, to ensure capital retention and enhanced yield to clients.
- 1991 Development and implementation of an online computer system to capture and process comprehensive financial information on behalf of clients.
- 1991 Formation of the FBA (Family Benefits Allowance) section to service clients requiring prompt or special attention.
- 1991 Development of comprehensive tax services for clients and estates with complex needs.
- 1991 Provision of comprehensive banking and cash management services, safekeeping services for securities, custodial services for valuable tangible assets, and brokerage services.
- 1991 Implementation of an investment pool to be managed on behalf of all clients.

KEY PERFORMANCE INDICATORS

Total Value of Client Assets, 1993-1994

(millions of dollars)



The steady rise in the value of client assets under the jurisdiction of the Public Trustee reflects the growing affluence of the Office's client base.

Value of Income Received on Behalf of Clients, 1993-1994

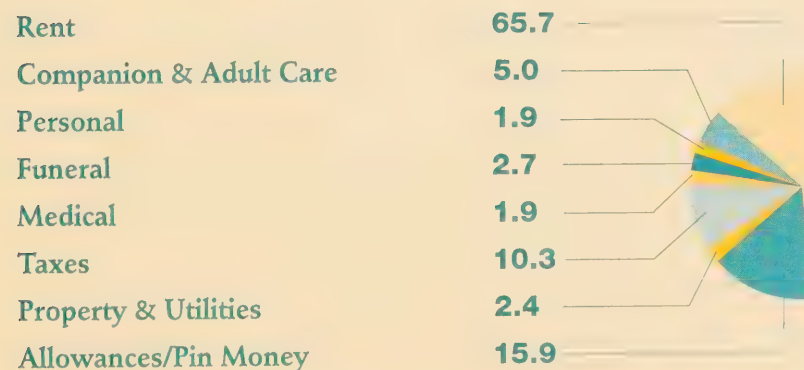
(millions of dollars)



A significant portion of income received on behalf of clients takes the form of social benefits.

Value of Expenditures Made on Behalf of Clients, 1993-1994

(millions of dollars)



The expenditures made on behalf of clients reflect the needs of people living in the community.

THE SUBSTITUTE DECISIONS ACT

Why Was a New Law Necessary?

- Because of growing public concern that the rights of vulnerable people be protected.
- Because of mounting concern over abuse and neglect of the elderly and other vulnerable adults.
- Because of the desire of families and other caregivers to have greater involvement in decision-making.
- Because of the aging of our population and the concern of many people for a way of planning their affairs before incapacity sets in.
- Because of the continuing trend towards community living for people with psychiatric and developmental disabilities.

Over the coming years, the greatest impact on the Office of the Public Trustee will be made by the implementation of the *Substitute Decisions Act*. When the Act is proclaimed, which is expected to be in early 1995, the existing Office of the Public Trustee will be changed and expanded to take on new roles and responsibilities as the Office of the Public Guardian and Trustee.

For over a year now, the Substitute Decisions Project Team has been working within the Office of the Public Trustee to design and develop the policies, procedures, and systems needed to support the implementation of the Act.

The new legislation describes how a “substitute decision-maker” may be appointed to make decisions for a mentally incapable person. It makes up for gaps in the current law, which deals mainly with financial affairs and is often vague about the exact duties of substitute decision-makers. In general, the Act is designed to:

- ◆ make public guardianship and other government intervention a last resort in situations where there are no suitable alternatives
- ◆ use advance planning mechanisms to give individuals more control over their lives if they become incapable of making their own decisions
- ◆ ensure that the choices people make before becoming incapable are respected
- ◆ recognize the role of families and friends in making decisions for loved ones
- ◆ clarify and expand the rights of adults who are mentally incapable and the responsibilities of substitute decision-makers
- ◆ provide greater safeguards and accountability to protect mentally incapable people from harm

The Act goes beyond existing legislation in that it covers two different kinds of substitute decision-making — substitute decision-making for property or finances, and substitute decision-making for personal care, which includes decisions on things like health care, nutrition, shelter, clothing, hygiene, and personal safety. In doing so, it reflects the trend

that has been developing in the functioning of the Public Trustee for many years.

The Act enables mentally capable people to name someone of their own choosing to be their attorney for personal care and confirms their existing right in law to name an attorney for property and finances. These attorneys may make decisions on the person's behalf if he or she becomes incapable. Attorneys are required to observe any wishes or instructions made by the person while he or she was still capable, unless doing so is impossible.

Under the Act, the Public Guardian and Trustee will have a number of new roles, which include:

- ◆ review private applications for guardianship
- ◆ evaluate the performance of substitute decision-makers, and remove them where problems exist
- ◆ mediate disputes involving substitute decision-makers
- ◆ investigate reports of abuse or neglect of incapable persons
- ◆ maintain a registry of people in Ontario who have named attorneys for property or personal care

In addition, the Public Guardian and Trustee will also act as substitute decision-maker of last resort. When a guardian is required, and when there is no one else who can act on the person's behalf, the Public Guardian and Trustee will become the guardian of an incapable person.



A RENEWED MISSION AND A RENEWED COMMITMENT TO SERVICE

"Fundamentally we are a trust company that must function effectively in a sophisticated business environment. But we are a unique trust company because we have a client group that needs special human services."

—Susan Himel

At its inception, the Office of the Public Guardian and Trustee will be entrusted with a dual mission:

- ◆ to protect and promote the quality of life and value of property of persons found to be mentally incapable and in need of guardianship
- ◆ to heighten awareness of persons who want to plan for their future should they become incapable of making their own decisions

The intent is clear: there will be greater scope for protection of people's rights, but the use of the Public Guardian and Trustee as a substitute decision-maker will be as a last resort only.

Even under this limited mandate, the caseload for the Public Guardian and Trustee is expected to grow. It is estimated that the Office will be the substitute decision-maker for about 20,000 clients in three years. This represents an approximate increase of 8,000 cases over the current load, about 58%. Of these cases, an estimated 2,000 are expected to also involve substitute decision-making for personal care. Though the number of personal care cases will be relatively small, they will involve the greatest demands on staff time and need for responsiveness.

To manage these new demands, the Office will transform the way in which it conducts its business. The new operation will be guided by two fundamental principles: absolute respect for the individual and total commitment to the highest level of client service. Building on this foundation and on the advances already made by the Public Trustee, the Public Guardian and Trustee will renew and redirect all its service-delivery functions based on four strategic pillars.

1) A New Service Delivery Strategy: The financial and personal care functions will be combined in the delivery of services. Services will be delivered by teams of employees, who will provide a full range of diverse substitute decision-making services. Teams will be led by a Client Representative with accountability for both financial and

personal care. The Client Representative will be supported by a financial specialist, a personal care specialist, an investigator, and a lawyer. The new team approach will provide service that is client-focused, accessible, responsive, and reliable.

2) Decentralization: To better meet client needs, services will be located as close to the client as possible. Over time, the Public Guardian and Trustee will develop a network of local offices throughout the province, staffed by service delivery teams able and delegated to act on behalf of clients. In addition, head office will be moved from its current cramped quarters to a new storefront office that will enable it to receive clients in a friendlier, more dignified manner, that will provide a safer, more effective working environment.



3) Community Participation: Strong links with the community have been developed and will be maintained. The Office will work closely with those people who advocate on behalf of vulnerable adults as well as care providers, health professionals, hospital staff, psychiatric facilities, homes for the aged and for those with disabilities, and organizations whose members are affected by the *Substitute Decisions Act*. An Advisory Committee, which has guided the design of the new office, will act as a prototype for Provincial and local advisory bodies in the future.

4) Effective Communications, Public Education, and Outreach: Awareness of the Act will be key in motivating people to choose in advance how decisions will be made should they become incapable. The Office will develop and constantly update programs to ensure that consumers, service providers, the legal community, health care practitioners, advocacy associations, and all other stakeholders know how the Act affects them and how it meets the needs of their clients.

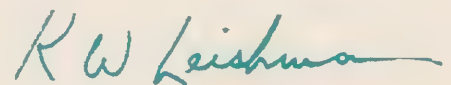
To the Public Trustee for the Province of Ontario and to the Attorney General:

I have audited the balance sheet of the Public Trustee for the Province of Ontario as at March 31, 1994, and the statements of revenue and expenditure and of surplus for the year then ended. These financial statements are the responsibility of the Public Trustee's management. My responsibility is to express an opinion on these financial statements based on my audit.

I conducted my audit in accordance with generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, these financial statements present fairly, in all material respects, the financial position of the Public Trustee for the Province of Ontario as at March 31, 1994, and the results of the Trustee's operations for the year then ended in accordance with the accounting policies described in Note 2 to the financial statements.

*Toronto, Ontario
June 2, 1994*



K.W. Leishman, CA
Assistant Provincial Auditor
Office of the Provincial
Auditor of Ontario

BALANCE SHEET

AS AT MARCH 31, 1994

(thousands of dollars)

	1994	1993
Assets		
Estates and Trusts		
Cash in bank	\$ 682	\$ 1,305
Accounts receivable (Note 11)	10,868	6,643
Bonds and other debt issue	34,336	76,101
Funds invested (Schedule A)	420,763	386,813
Real estate	62,667	73,946
Stocks and other securities	20,270	15,100
Mortgages and loans receivable	1,765	2,222
Life insurance	2,956	2,811
Other	6,088	5,282
	560,395	570,223
Deduct mortgages and loans payable	2,432	2,091
	557,963	568,132
Administration Fund (Note 3)		
Cash in bank	444	420
Accounts receivable	8	-
Funds invested (Schedule A)	11,820	12,272
	12,272	12,692
	\$ 570,235	\$ 580,824
Liabilities and Surplus		
Estates and Trusts		
Clients' estates	\$ 437,156	\$ 464,828
Crown estates	70,828	61,377
Probable escheats (Note 4)	4,758	5,425
Executorship estates	21,991	17,518
Cemetery trusts	11,418	10,158
Corporate trusts	2,700	2,772
Forfeited corporate assets	3,366	1,833
Unclaimed balances	1,343	1,364
Unadministrated estates	4,109	2,488
Liability to government agencies	131	176
Other liabilities	163	193
	557,963	568,132
Administration Fund (Note 3)		
Current liabilities (Note 11)	10,886	6,895
Appropriated Funds		
Assurance Fund (Note 5)	200	200
Litigation Reserve Fund (Note 6)	500	500
Allowance for Doubtful Accounts Fund (Note 7)	100	100
Medical Consultancy Fund (Note 8)	100	100
Unappropriated Fund		
Surplus	486	4,897
	1,386	5,797
	12,272	12,692
	\$ 570,235	\$ 580,824

On behalf of the Public Trustee for the Province of Ontario


Acting Public Trustee


Deputy Public Trustee
— Client Services


Deputy Public Trustee
— Legal Services

STATEMENT OF REVENUE AND EXPENDITURE
YEAR ENDED MARCH 31, 1994

<i>(thousands of dollars)</i>	1994	1993
Revenue		
Fees collected		
Clients' estates	\$ 7,282	\$ 7,089
Crown estates	1,028	1,192
Probable escheats	38	22
Executorship estates	319	276
Charitable property	294	277
Cemetery trusts	57	55
Corporate trusts	32	43
Forfeited corporate assets	78	47
	<u>9,128</u>	<u>9,001</u>
Bank interest	21	41
Income from funds invested, net (Schedule B)	6,137	3,818
	<u>15,286</u>	<u>12,860</u>
Expenditure		
Salaries and wages	8,194	7,718
Employee benefits (Note 9)	1,534	1,143
Services	972	866
Supplies and equipment	651	252
Transportation and communication	332	274
	<u>11,683</u>	<u>10,253</u>
Excess of Revenue over Expenditure	<u>3,603</u>	<u>2,607</u>

STATEMENT OF SURPLUS
YEAR ENDED MARCH 31, 1994

<i>(thousands of dollars)</i>	1994	1993
Balance, beginning of year		
As previously reported	\$ 11,540	\$ 7,061
Prior period adjustment (Note 11)	(6,643)	(3,688)
As restated	<u>4,897</u>	<u>3,373</u>
Excess of revenue over expenditure	3,603	2,607
	<u>8,500</u>	<u>5,980</u>
Transfer to consolidated revenue fund (Note 3)	(7,500)	-
Reimbursement of claims on assurance fund (Note 5)	(169)	(142)
Transfer to increase litigation reserve fund (Note 6)	-	(200)
Reimbursement of claims on litigation reserve fund (Note 6)	(344)	(641)
Transfer to establish medical consultancy fund (Note 8)	-	(100)
Reimbursements of claims on medical consultancy fund (Note 8)	(1)	-
	<u>486</u>	<u>4,897</u>

See accompanying schedules and notes to financial statements.

DETAILS OF FUNDS INVESTED

AS AT MARCH 31, 1994

SCHEDULE A

<i>(thousands of dollars)</i>	1994	1993
Short-term investments	\$ 88,502	\$ 46,780
Long-term investments (Schedule C)	331,167	343,507
Accrued interest	12,780	11,670
Cash (bank indebtedness)	134	(2,872)
	<u>432,583</u>	<u>399,085</u>
Allocated as follows:		
Estates and trusts	420,763	386,813
Administration fund (Note 3)	11,820	12,272
	<u>432,583</u>	<u>399,085</u>

INCOME FROM FUNDS INVESTED

YEAR ENDED MARCH 31, 1994

SCHEDULE B

<i>(thousands of dollars)</i>	1994	1993
Interest earned on investments	\$ 35,526	\$ 32,602
Interest earned on bank accounts	260	340
	<u>35,786</u>	<u>32,942</u>
Deduct interest allowed (Note 11)	29,649	29,124
Income from funds invested, net	<u>6,137</u>	<u>3,818</u>

DETAILS OF LONG-TERM INVESTMENTS

AS AT MARCH 31, 1994

SCHEDULE C

<i>(thousands of dollars)</i>	1994	1993
Corporate bonds	\$ 7,123	\$ 7,207
Federal government	73,381	51,238
Ontario Hydro	28,965	11,017
Provincial governments	39,336	64,045
Financial institutions	182,362	210,000
Cost	<u>331,167</u>	<u>343,507</u>
Par value	<u>332,857</u>	<u>348,554</u>
Market value	<u>328,604</u>	<u>346,873</u>

See accompanying schedules and notes to financial statements.

NOTES TO THE FINANCIAL STATEMENTS

MARCH 31, 1994

1. General

The Public Trustee performs duties under a number of statutes, with the following main responsibilities:

- ◆ the management of estates of mentally incompetent individuals
- ◆ the administration of estates of persons who die in Ontario intestate and without next-of-kin
- ◆ the gathering of assets on behalf of the Crown under the Escheats Act when there is no known owner of those assets or the owner is a corporation no longer in existence
- ◆ a general supervisory role over charitable property

2. Significant Accounting Policies

a) BASIS OF ACCOUNTING

Fees collected, bank interest, and expenditures are recorded on a cash basis of accounting which, for expenditure, is modified to allow an additional thirty days to pay for debts incurred during the fiscal year just ended. Net income from funds invested is recorded on an accrual basis.

b) FUNDS INVESTED

Funds are invested in high-quality fixed-income instruments subject to the investment guidelines of the Financial Administration Act and to the guidelines and limitations as set by the Office of the Public Trustee with emphasis on preservation of capital and maximizing return. These securities are reflected at cost adjusted for the amortization of premiums or discounts on purchase over the period to maturity.

c) STOCKS AND BONDS OF ESTATES AND TRUSTS

Stocks and bonds of Estates and Trusts are recorded at their market value at the time of taking over the Estates and Trusts with an annual adjustment at market value at December 31 each year.

d) REAL ESTATE

Real estate is recorded at appraised value at time of incorporation of the trust and is subject to periodic revaluations.

e) LIFE INSURANCE

Life insurance is recorded at its cash surrender value at the time of incorporating the trust and is subject to valuation every two years.

f) FIXED ASSETS

Fixed assets are recorded as an expenditure when purchased.

3. Administration Fund

The Administration Fund is the operating account of the Public Trustee. It is used to accumulate fees charged each estate for services, as prescribed by the regulations under the Public Trustee Act.

Cash balances in the Administration Fund that are not required for operating purposes are invested along with the cash funds of Estates and Trusts. The Administration Fund receives the net interest income of these investment activities, after interest is allowed on the funds of Estates and Trusts in accordance with regulations under the Act.

All operating expenses of the Office of the Public Trustee are paid from the Administration Fund.

Pursuant to section 9(5) of the *Public Trustee Act*, the Lieutenant Governor in Council may from time to time direct the payment into the Province's Consolidated Revenue Fund of any balance at the credit of the Administration Fund.

4. Funds Escheated to the Crown

The Public Trustee is authorized by the *Escheats Act* to take possession of unclaimed property reverting to the Crown under the *Succession Law Reform Act*, *Business Corporation Act*, or common law. After a period of ten years, any property so received by the Public Trustee that remains unclaimed is transferred to the Consolidated Revenue Fund of the Province.

During the year, \$1.649 million (1993: \$0.4 million) was transferred to the Province.

5. Assurance Fund

The regulations under the Act provide that an Assurance Fund shall be established to meet losses for which the Office of the Public Trustee might become liable. Accordingly, this Fund has been established at \$200,000 by transfers from the Administration Fund.

During the year, the Fund was reimbursed \$168,617 (1993: \$141,909).

6. Litigation Reserve Fund

The intent of the Fund is to cover costs of an opposing side's legal bills where the Office of the Public Trustee is obligated to pay such costs.

During the year, the Fund was reimbursed \$344,137 (1993: \$640,995) for legal costs incurred on behalf of clients.

7. Allowance for Doubtful Accounts Fund

The intent of the Allowance for Doubtful Accounts Fund is to provide for all client accounts

whereby the Public Trustee has paid expenses on a client's behalf but is not expected to be able to recover the amount from the client.

8. Medical Consultancy Fund

The Fund was set up to cover fees of medical consultants for consent to treatment for the Public Trustee to make substitute decisions on behalf of mentally incompetent persons under the Regulations of the *Public Hospitals Act*.

During the year, the Fund was reimbursed \$750 (1993 - Nil).

9. Pension Plan

The Office of the Public Trustee provides pension benefits for its permanent employees through participation in the Public Service Pension Fund established by the Province of Ontario. The Office's share of contributions to the Fund during the year was \$520,100 (1993: \$334,640) and is included in employee benefits in the Statement of Revenue and Expenditure. This amount includes current contributions and additional payments required to cover the Office's share of the Fund's unfunded liability on January 1, 1990. These additional payments will continue over the next thirty-six years.

10. Contingencies

The Public Trustee is involved in various legal actions arising in the normal course of operations, the outcome and ultimate disposition of which are not determinable at this time.

11. Prior Period Adjustment

The prior period adjustment is a result of a decision made by the Court of Appeal on June 16, 1994 requiring the Public Trustee to pay interest to the estates of deceased persons (Crown estates) at the same rate as is paid to client trusts. Previously, Crown estates received a lower rate of interest; however the ruling states that the Public Trustee must retroactively pay out interest to all Crown estates being managed by the Public Trustee as at June 16, 1994, from the date that the Public Trustee commenced managing the estate, to reflect as though these estates had received the same interest rate as client estates. The prior period adjustment consists of \$6.643 million of retroactive interest, of which \$2.955 million is applicable to 1993 and has been charged to net excess of revenue over expenditures for the year. The remainder is applicable to years prior to April, 1992, and the balance of surplus at that date has been restated accordingly.

12. Comparative Figures

Certain of prior year's figures have been reclassified to conform to the current year's presentation.

8. Caisse de rémunération des médecins-conseils

Cette caisse a été constituée pour acquitter les honoraires des médecins-conseils en matière de consentement au traitement lorsque le curateur public recourt à leurs services pour prendre des décisions au nom de personnes mentalement incapables, et cela en vertu des règlements pris en application de la *Loi sur les hôpitaux publics*.

Au cours de l'exercice, la caisse a reçu des remboursements de 750 \$ (aucun remboursement en 1993).

9. Régime de retraite

Le Bureau du curateur public offre des prestations de retraite à tous ses employés permanents en contribuant à la Caisse de retraite des fonctionnaires, établie par la province de l'Ontario. La part du Bureau dans les cotisations versées à la Caisse s'est élevée à 520 100 \$ au cours de l'exercice (334 640 \$ pour 1993) et elle est incluse dans le poste des avantages sociaux, à l'état des recettes et des dépenses. Ce montant comprend les contributions courantes et les versements supplémentaires requis pour payer la part du Bureau dans les dettes non provisionnées de la Caisse au 1^{er} janvier 1990. Ces versements supplémentaires seront effectués pendant les 36 prochaines années.

10. Eventualités

Le curateur public est partie à divers procès dans le cadre de ses activités courantes, et il n'est pas possible, à l'heure actuelle, d'en prévoir l'issue.

11. Redressement affecté aux exercices antérieurs

Le redressement affecté aux exercices antérieurs résulte d'une décision rendue par la Cour d'appel le 16 juin 1994, qui oblige le curateur public à verser des intérêts aux patrimoines de personnes décédées (successions en déshérence) au même taux que celui des fonds en fiducie des clients. Antérieurement, les successions en déshérence recevaient un taux d'intérêt inférieur; cependant, selon la décision de la Cour d'appel, le curateur public doit verser des intérêts rétroactifs à toutes les successions en déshérence qui étaient gérées par le curateur public au 16 juin 1994, à compter de la date à laquelle le curateur public a commencé de gérer la succession, de telle sorte que les successions en déshérence reçoivent le même taux d'intérêt que les patrimoines privés. Le redressement affecté aux exercices antérieurs consiste en une somme de 6,643 millions de dollars d'intérêts rétroactifs, dont une partie, soit 2,955 millions de dollars, est applicable à 1993 et a été imputée à l'excédent net des recettes sur les dépenses pour l'exercice. Le reste est applicable aux exercices antérieurs à avril 1992, et le solde de l'excédent à cette date a été redressé en conséquence.

12. Chiffres comparatifs

Certains des chiffres de l'exercice antérieur ont été reclassifiés pour qu'ils soient conformes à la présentation de l'exercice actuel.

3. Fonds d'administration

Le fonds d'administration est le compte de fonctionnement du curateur public. On y dépose les droits perçus par le curateur en contrepartie des services rendus pour chaque succession ou patrimoine, conformément aux règlements pris en application de la *Loi sur le curateur public*. Les soldes de trésorerie du fonds d'administration qui ne sont pas nécessaires au fonctionnement des investis, tout comme les liquidités des successions et des fonds en fiducie. Les intérêts créditeurs nets produits par ces placements sont virés au compte d'administration, après déduction des intérêts revenant aux successions et aux fonds en fiducie conformément aux règlements d'application de la *Loi*.

Le fonds d'administration couvre tous les frais de fonctionnement engagés par le Bureau du curateur public.

Conformément au paragraphe 9(5) de la *Loi sur le curateur public*, le lieutenant-gouverneur en conseil peut de temps à autre ordonner le virement de tout solde créditeur du fonds d'administration au compte du Trésor.

4. Fonds dévolus à la Couronne

La *Loi sur les biens en déshérence* autorise le curateur public à prendre possession des biens vacants revenant de droit à la Couronne en vertu de la *Loi portant réforme du droit des successions*, de la *Loi sur les sociétés par actions* ou de la common law. Après une période de dix ans, les biens ainsi reçus par le curateur public et qui demeurent non réclamés sont transférés au Trésor de la province.

Au cours de l'exercice, les sommes ainsi acquises par la province se sont élevées à 1,649 millions de dollars (400 000 \$ en 1993).

5. Caisse d'assurance

Les règlements pris en application de la *Loi* disposent qu'une caisse d'assurance doit être établie en prévision des pertes que pourrait devoir assumer le Bureau du curateur public. Une somme de 200 000 \$ a donc été prélevée sur le fonds d'administration et virée à cette caisse.

Au cours de l'exercice, la caisse d'assurance a reçu des remboursements de 168 617 \$ (141 909 \$ en 1993).

6. Caisse de réserve dans les cas de litige

L'objet de cette caisse est de couvrir les frais juridiques de la partie adverse lorsque le Bureau du curateur public doit acquitter de tels frais.

Au cours de l'exercice, la caisse a reçu des remboursements de 344 137 \$ (640 995 \$ en 1993) au titre des frais de justice engagés au nom de clients.

7. Caisse de provision pour créances douteuses

Cette caisse sert à provisionner la totalité des comptes des clients dans les cas où le curateur public a payé des frais au nom d'un client et qu'il ne croit pas pouvoir recouvrer la somme auprès de ce client.

NOTES AFFÉRENTES AUX ÉTATS FINANCIERS

31 MARS 1994

1. Généralités

En vertu d'un certain nombre de lois, le curateur public est investi de plusieurs fonctions, qui comprennent essentiellement les responsabilités suivantes :

- ◆ la gestion des biens des incapables mentaux;
- ◆ l'administration des successions de personnes décédées en Ontario sans testament et n'ayant plus aucun proche parent;
- ◆ le rassemblement d'actifs au nom de la Couronne aux termes de la *Loi sur les biens en déshérence*, lorsque le propriétaire de tels actifs est inconnu ou lorsque le propriétaire est une société qui n'existe plus;
- ◆ une fonction générale de surveillance des biens gérés par les sociétés de bienfaisance.

2.

Principales conventions comptables

a) MÉTHODE DE COMPTABILITÉ

Les droits perçus, les intérêts bancaires et les charges sont inscrits selon la méthode de la comptabilité de caisse, modifiée de façon à accorder 30 jours supplémentaires pour le paiement des dettes contractées au cours de l'exercice écoulé. Les produits financiers nets des placements effectués sont inscrits selon la méthode de la comptabilité d'exercice.

b) PLACEMENTS

Les fonds sont investis dans des effets de haute qualité à revenu fixe, sous réserve des lignes directrices de la *Loi sur l'administration financière* en matière de placements et sous réserve des directives et des limites fixées par le Bureau du curateur public, l'accent étant mis sur la conservation du capital et la maximisation du rendement. Ces titres sont présentés au prix d'achat, rajusté pour tenir compte de l'amortissement des primes ou des escomptes entre la date d'achat et l'échéance.

c) ACTIONS ET OBLIGATIONS DES SUCCESSIONS ET DES FONDS EN FIDUCIE

Les actions et obligations des successions et des fonds en fiducie sont inscrites à leur valeur marchande au moment de la prise en charge de la succession ou du fonds en fiducie, et la valeur marchande fait l'objet d'un redressement le 31 décembre de chaque année.

d) BIENS IMMOBILIERS

Les biens immobiliers sont inscrits à leur valeur d'expertise au moment de la constitution du fonds et font l'objet de réévaluations périodiques.

e) ASSURANCE-VIE

Les contrats d'assurance-vie sont inscrits à leur valeur de rachat au moment de la constitution du fonds et sont évalués tous les deux ans.

f) IMMOBILISATIONS

Les immobilisations sont comptabilisées comme dépenses au moment de leur acquisition.

DÉTAILS DES PLACEMENTS
AU 31 MARS 1994

Annexe A

(en milliers de dollars)	
1994	1993
88 502 \$	46 780 \$
331 167	343 507
12 780	11 670
134	(2 872)
432 583	399 085
Répartis comme suit :	
Successions et fonds en fiducie	
Compte du fonds d'administration (note 3)	
420 763	386 813
11 820	12 272
432 583	399 085

RECETTES DE PLACEMENTS
POUR L'EXERCICE TERMINÉ LE 31 MARS 1994

Annexe B

(en milliers de dollars)	
1994	1993
35 526 \$	32 602 \$
260	340
35 786	32 942
29 649	29 124
6 137	3 818
Intérêts sur placements	
Intérêts sur comptes en banque	
Moins les intérêts versés (note 1)	
Recettes nettes de placements	

DÉTAILS DES PLACEMENTS À LONG TERME
AU 31 MARS 1994

Annexe C

(en milliers de dollars)	
1994	1993
7 123 \$	7 207 \$
73 381	51 238
28 965	11 017
39 336	64 045
182 362	210 000
331 167	343 507
332 857	348 554
328 604	346 873
Obligations de sociétés	
Gouvernement du Canada	
Hydro-Ontario	
Gouvernements provinciaux	
Institutions financières	
Coût	
Valeur nominale	
Valeur marchande	

Voir les annexes et notes afférentes aux états financiers.

ÉTAT DES RECETTES ET DES DÉPENSES
POUR L'EXERCICE TERMINÉ LE 31 MARS 1994

(en milliers de dollars)		1994	1993
Recettes			
Droits perçus		7 282 \$	7 089 \$
Patrimoines des clients		1 028	1 192
Successions en déshérence		38	22
Biens probablement en déshérence		319	276
Successions - charge d'exécuteur testamentaire		294	277
Sociétés de bienfaisance		57	55
Fonds en fiducie pour cinéastes		32	43
Fonds en fiducie de sociétés		78	47
Biens appartenant à des sociétés dissoutes		9 128	9 001
Intérêts bancaires		21	41
Recettes nettes de placements (annexe B)		6 137	3 818
Dépenses		15 286	12 860
Traitements et salaires		8 194	7 718
Avantages sociaux (note 9)		1 534	1 143
Services		972	866
Fournitures et matériel		651	252
Transports et communications		332	274
		11 683	10 253
Excédent des recettes sur les dépenses		3 603	2 607

ÉTAT DE L'EXCÉDENT
POUR L'EXERCICE TERMINÉ LE 31 MARS 1994

(en milliers de dollars)		1994	1993
Solde au début de l'exercice		11 540 \$	7 061 \$
Déclaration antérieure		(6 643)	(3 688)
Redressement affecté aux exercices antérieurs (note 11)		4 897	3 373
Excédent des recettes sur les dépenses		3 603	2 607
		8 500	5 980
Somme transférée au Trésor (note 3)		(7 500)	-
Remboursement des demandes de règlement de la Caisse d'assurance (note 5)		(169)	(142)
Somme transférée pour enrichir la Caisse de réserve dans les cas de litige (note 6)		-	(200)
Remboursement des demandes de règlement de la Caisse de réserve dans les cas de litiges (note 6)		(344)	(641)
Somme transférée pour constituer la Caisse de rémunération des médecins-conseils (note 8)		-	(100)
Remboursement des demandes de règlement de la Caisse de rémunération des médecins-conseils (note 8)		(1)	-
		486	4 897

Voir les annexes et notes afférentes aux états financiers.

BILAN

AU 31 MARS 1994

(en milliers de dollars)

1994 1993

Succèsions et fonds en fiducie	
Fonds en banque	1 305 \$
Comptes débiteurs (note 11)	6 643
Obligations et autres émissions obligataires	76 101
Placements (annexe A)	386 813
Biens immobiliers	73 946
Actions et autres titres	15 100
Créances hypothécaires et prêts non remboursés	2 222
Assurance-vie	2 811
Autres	5 282
Moins les emprunts hypothécaires et les emprunts non remboursés	570 223
	2 091
	568 132

Compte du fonds d'administration (note 3)

Fonds en banque	420
Comptes débiteurs	-
Placements (annexe A)	12 272
	12 692
	580 824 \$

Passif et excédent

Succèsions et fonds en fiducie

Patrimoines des clients	464 828 \$
Succèsions en déshérence	61 377
Biens probablement en déshérence (note 4)	5 425
Succèsions - charge d'exécuteur testamentaire	17 518
Fonds en fiducie pour cimetières	10 158
Fonds en fiducie de sociétés	2 772
Biens appartenant à des sociétés dissoutes	1 833
Soldes non réclamés	1 364
Succèsions non administrées	2 488
Obligations envers des organismes gouvernementaux	176
Autres éléments de passif	193
	568 132

Compte du fonds d'administration (note 3)

Passif à court terme (note 11)	6 895
Fonds affectés	200
Caisse d'assurance (note 5)	500
Caisse de réserve dans les cas de litige (note 6)	100
Caisse de provision pour créances douteuses (note 7)	570 235 \$
Caisse de rémunération des médecins-conseils (note 8)	12 272
Fonds non affectés	1 386
Excédent	486

Au nom du curateur public de la province de l'Ontario

John A. King
La curatrice publique par intérim
D. A. O'Leary
La curatrice publique adjointe
— Services à la clientèle

Le curateur public adjoint
— Services juridiques

au curateur public de la province de l'Ontario et au procureur général

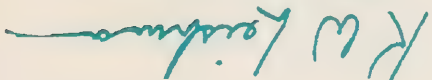
J'ai vérifié le bilan du curateur public de la province de l'Ontario au 31 mars 1994 et les états des recettes et dépenses et de l'excédent de l'exercice terminé à cette date. La responsabilité de ces états financiers incombe à la direction du Bureau du curateur public. Ma tâche consiste à exprimer une opinion sur ces états financiers en me fondant sur ma vérification.

La vérification a été effectuée conformément aux normes de vérification généralement reconnues. Ces normes exigent que la vérification soit planifiée et exécutée de manière à fournir un degré raisonnable de certitude quant à l'absence d'inexactitudes importantes dans les états financiers. La vérification comprend le contrôle par sondages des informations probantes à l'appui des montants et des autres éléments d'information fournis dans les états financiers. Elle comprend également l'évaluation des principes comptables suivis et des estimations importantes faites par la direction, ainsi qu'une appréciation de la présentation d'ensemble des états financiers.

Mon avis, ces états financiers présentent fidèlement, à tous égards importants, la situation financière du curateur public de la province de l'Ontario au 31 mars 1994, ainsi que les résultats de son exploitation pour l'exercice terminé à cette date selon les principes comptables décrits à la note 2 afférente aux états financiers.

Toronto, Ontario
le 2 juin 1994

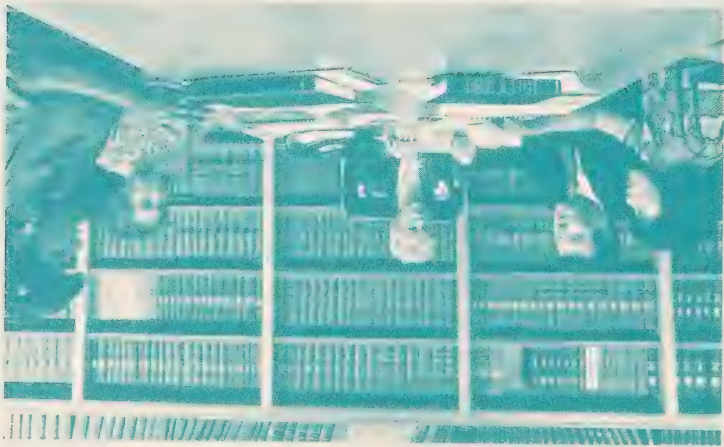
Le vérificateur provincial adjoint
Bureau du vérificateur provincial
de l'Ontario,


K.W. Leishman, C.A.

2) Décentralisation : Pour mieux répondre aux besoins de la clientèle, les services seront situés aussi près du client que possible. Au fil du temps, le Tuteur et curateur public établira un réseau de bureaux locaux dans toute la province, des bureaux qui seront constitués d'équipes habilitées à agir au nom des clients. Par ailleurs, le siège social quittera ses locaux actuels, trop petits, pour occuper de nouveaux bureaux ayant pignon sur rue, où il sera possible de recevoir les clients d'une manière plus amicale et avec plus de dignité. Le milieu de travail sera également plus sécurisant et plus efficace.

3) Participation communautaire : Des liens très étroits ont été tissés avec la collectivité, et ils seront maintenus. Le Bureau travaillera en étroite collaboration avec les gens qui dépendent les adultes vulnérables, ainsi qu'avec les prestataires de soins, les professionnels de la santé, le personnel hospitalier, les établissements psychiatriques et les foyers de personnes âgées ou de personnes handicapées, enfin les organisations dont les membres sont concernés par la *Loi sur la prise de décisions au nom d'autrui*. Un comité consultatif qui a aidé à la configuration des nouveaux locaux tiendra lieu à l'avenir de modèle pour les organes de consultation provinciaux et locaux.

4) Communications efficaces, éducation du public et diffusion : La sensibilisation à la nouvelle *Loi* sera essentielle si l'on veut convaincre les gens de prendre des dispositions en prévision d'une éventuelle incapacité. Le Bureau établira et mettra constamment à jour des programmes grâce auxquels les consommateurs, les prestataires de services, la profession juridique, les praticiens de la santé, les associations de défense et tous les autres agents intéressés pourront savoir en quoi la *Loi* les concerne et de quelle façon elle peut répondre aux besoins de leurs clients.



Lorsqu'il entrera en fonctions, le Bureau du tuteur et curateur public aura un double mandat :

- ◆ Protéger et favoriser la qualité de vie et le patrimoine des personnes considérées comme mentalement incapables et à qui il faut nommer un tuteur.
- ◆ Sensibiliser les personnes qui voudraient prendre des dispositions pour le cas où elles deviendraient incapables de s'occuper d'elles-mêmes.

L'intention est claire : le champ de la protection des droits de la personne sera élargi, mais le Tuteur et curateur public n'exercera qu'en dernier ressort le rôle de décideur au nom d'autrui.

Même si ce mandat est restreint, la charge de travail du Tuteur et curateur public va probablement croître. On pense que le Bureau représentera dans trois ans environ 20 000 clients. C'est une augmentation approximative de 8 000 dossiers par rapport à la charge de travail actuelle, soit environ 58 p. 100. Quelque 2 000 de ces dossiers supplémentaires viseront aussi des procurations relatives au soin de la personne. Le nombre des procurations relatives au soin de la personne sera relativement faible, mais ce sont les dossiers de ce genre qui requièrent le plus d'énergie et le plus d'attention de la part du personnel.

Pour gérer ces nouvelles contraintes, le Bureau va modifier sa manière d'exercer ses activités. Son nouveau mode de fonctionnement s'inspirera de deux principes fondamentaux : respect absolu du client, et souci constant d'assurer un service de la plus grande qualité. S'inspirant de ces principes et des progrès déjà accomplis par le curateur public, le Tuteur et curateur public va renouveler et réorienter tout son mode de fonctionnement, en s'appuyant sur quatre stratégies.

1) Nouvelle stratégie d'exécution des services : Les fonctions se rapportant à la gestion financière et aux soins personnels seront combinées, dans les services qui seront fournis. Les services seront dispensés par des équipes d'employés, qui exécuteront tout un éventail de services diversifiés se rapportant à la prise de décisions au nom d'autrui. Les équipes seront dirigées par un responsable de la clientèle, et elle se chargera à la fois des affaires financières et des soins personnels. Le responsable de la clientèle sera épaulé par un spécialiste des questions financières, un spécialiste des soins personnels, un enquêteur et un juriste. Cette nouvelle démarche permettra d'offrir des services qui seront axés sur la clientèle, accessibles, attentifs et fiables.

—Susan Hinnel

notre clientèle a des besoins

fait particulière, parce que

Mais nous sommes une

commercial très exigeant.

dans un environnement

fiduciaire qui se doit de

nous sommes une société

La Loi permet aux personnes saines d'esprit de nommer une personne de leur choix qui sera leur procureur au soin de la personne, et elle confirme le droit, qu'elles ont toujours eu, de nommer un procureur qui s'occupera de leurs biens et de leurs affaires financières. Le procureur pourra prendre les décisions au nom de la personne qui l'a nommé pour le cas où elle deviendrait incapable. Il est tenu de respecter les vœux et les directives exprimées par la personne lorsqu'elle était encore capable, à moins que ce ne soit impossible.

En vertu de la Loi, le Tuteur et curateur public exercera plusieurs nouveaux rôles, et plus précisément :

- ♦ il examinera les demandes de tutelle présentées par les particuliers;
- ♦ il évaluera la performance des décideurs au nom d'autrui et il aura le pouvoir de les destituer si des problèmes surgissent;
- ♦ il exercera une fonction de médiateur dans les différends intéressant les décideurs au nom d'autrui;
- ♦ il examinera les allégations selon lesquelles telle ou telle personne incapable aurait fait l'objet d'abus ou d'un manque de soins;
- ♦ il tiendra un registre des personnes de l'Ontario qui ont nommé des procureurs à leurs biens ou à leurs soins personnels.

En plus, le Tuteur et curateur public agira aussi comme décideur au nom d'autrui, dans les situations de dernier recours. Lorsqu'un tuteur est requis, et lorsque personne d'autre ne peut agir au nom de l'incapable, le Tuteur et curateur public deviendra le tuteur de l'incapable.



LA LOI SUR LA PRISE DE DÉCISIONS AU NOM D'AUTRUI

• Au cours des prochaines années, c'est l'entrée en vigueur de la Loi sur la prise de décisions au nom d'autrui qui aura eu le plus d'effet sur le Bureau du curateur public. Lorsque la Loi entrera en vigueur, ce qui devrait se faire au début de 1995, l'actuel Bureau du curateur public sera modifié et élargi, puisqu'il assumera des responsabilités nouvelles sous le nom de Bureau du tuteur et curateur public.

• Depuis plus d'un an maintenant, l'équipe de la prise de décisions au nom d'autrui s'applique, au sein du Bureau du curateur public, à mettre au point les politiques, les procédures et les systèmes que requiert la mise en oeuvre de la Loi.

• La nouvelle Loi décrit la manière dont un «décideur au nom d'autrui» peut être nommé pour prendre les décisions se rapportant à une personne mentalement incapable. Elle comble les lacunes de la loi actuelle, qui traite principalement des affaires financières et qui souvent décrit de façon imprécise les obligations des décideurs au nom d'autrui. Les objectifs généraux de la nouvelle Loi sont les suivants :

- faire de la tutelle publique et des autres modes d'intervention gouvernementale des solutions de dernier recours, dans les cas où il n'existe pas d'autres moyens acceptables;
- utiliser des mécanismes de planification pouvant donner à la personne davantage de contrôle sur sa vie pour le cas où elle deviendrait incapable de prendre elle-même ses décisions;
- s'assurer que les choix faits par une personne avant qu'elle ne devienne incapable sont respectés;
- reconnaître le rôle des parents et des amis dans les décisions qui doivent être prises pour un proche;
- clarifier et élargir les droits des adultes qui sont mentalement incapables, et les responsabilités des décideurs au nom d'autrui;
- accroître les protections et l'obligation de rendre compte, afin de protéger les personnes mentalement incapables contre l'exploitation.

• La Loi va au-delà du texte législatif existant, puisqu'elle vise deux types de prise de décisions au nom d'autrui -- la prise de décisions se rapportant aux biens ou aux affaires financières de l'incapable, et la prise de décisions se rapportant aux soins personnels, ce qui comprend les décisions touchant des aspects tels que les soins médicaux, l'alimentation, le logement, l'habillement, l'hygiène et la sécurité personnelle. De cette manière, la nouvelle Loi traduit la tendance que l'on observe depuis de nombreuses années dans les activités exercées par le curateur public.

Pourquoi une nouvelle loi était-elle nécessaire?

- Parce qu'il n'y avait pas de loi sur la prise de décisions au nom d'autrui.

Quelles étaient les lacunes de la loi actuelle?

- Parce qu'il n'est pas acceptable que les personnes âgées et les personnes handicapées soient soumises à des décisions prises par d'autres personnes sans qu'elles aient eu la possibilité de s'exprimer.

Quelles étaient les lacunes de la loi actuelle?

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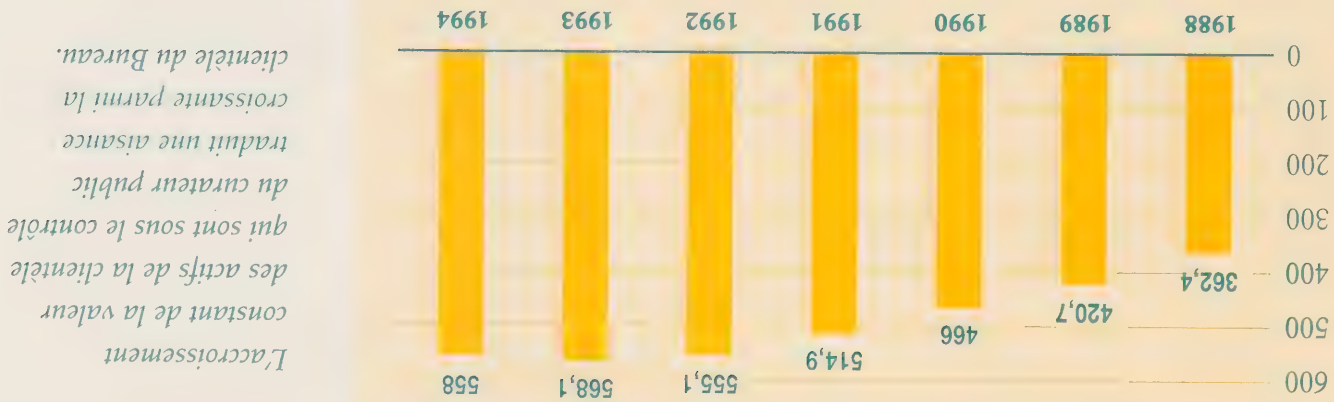
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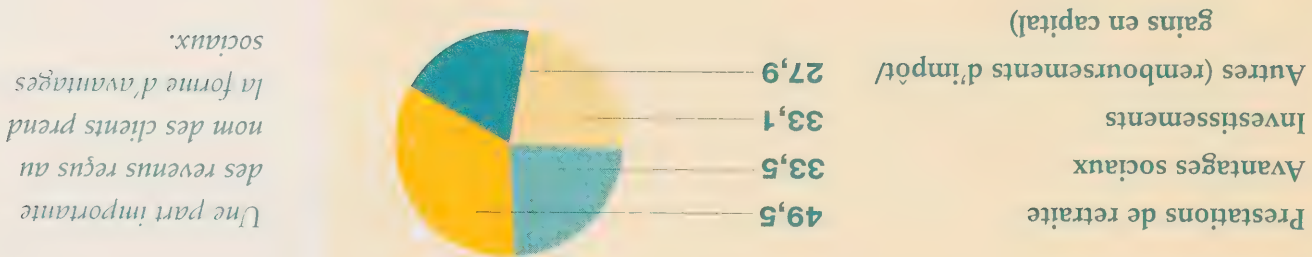
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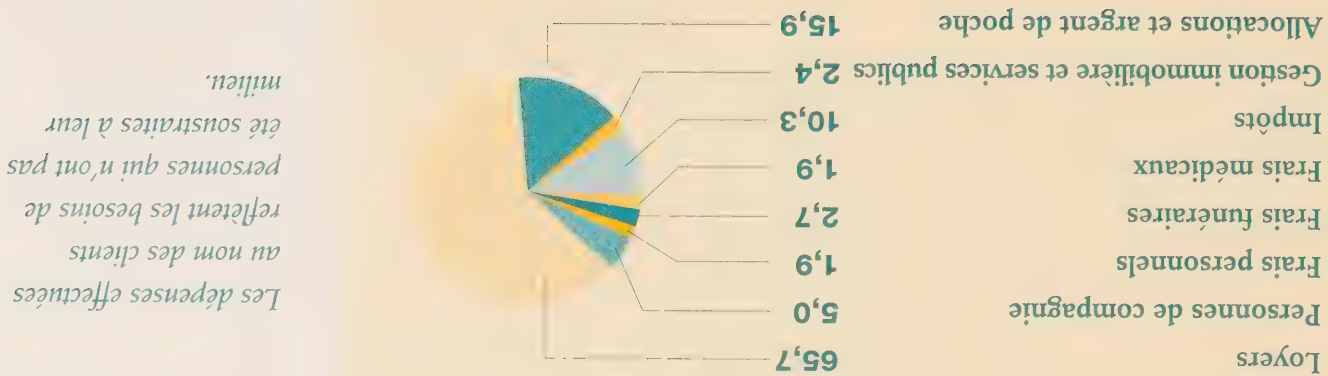
Valeur totale des actifs de la clientèle (1988-1994)
(en millions de dollars)



Valeur des revenus reçus au nom des clients (1993-1994)
(en millions de dollars)



Frais engagés au nom des clients (1993-1994)
(en millions de dollars)



Un cours des dernières années, de nombreux changements ont été apportés aux activités du Bureau, la plupart d'entre elles visant à améliorer le niveau du service à la clientèle. Voici une courte liste des principales initiatives.

1994	Définition de nouvelles politiques, procédures et normes de gestion pour toutes les sections du Bureau.
1994	Examen complet des délégations de pouvoirs au sein du Bureau, afin d'accélérer les décisions qui doivent être prises au nom des clients, sans que la qualité du service en souffre.
1994	Adoption de nombreuses mesures pour le perfectionnement du personnel, notamment intensification de la formation à la gestion, éducation permanente et formation aux relations interraciales.
1994	Accroissement des niveaux de dotation de 46 postes permanents, afin d'éliminer les arrières de travail, réduire la charge de travail moyenne et améliorer le service à la clientèle.
1994	Etablissement de partenariats avec des banques et des sociétés en vue de la transmission électronique de fonds et d'informations, afin de permettre à nos clients de recevoir plus rapidement les sommes auxquelles ils ont droit.
1993	Centralisation du paiement de toutes les factures des clients, à l'aide d'une nouvelle technologie informatique. Le personnel de l'administration des fonds en fiduciaire peut ainsi consacrer davantage de son temps à servir directement ses clients.
1993	Examen opérationnel complet des structures de gestion et de responsabilité, des pratiques observées, de la configuration des sections offrant des services à la clientèle, enfin du déploiement général du personnel.
1993	Le Bureau engage, par voie d'appel d'offres, une seule entreprise, qui sera chargée de fournir des services immobiliers et des services complets de gestion immobilière.
1993	Élimination de l'arrière de travail dans la clôture des dossiers.
1992	On engage une société de placement pour la partie à long terme du fonds commun de placement, afin d'assurer la préservation du capital et d'offrir de meilleurs rendements aux clients.
1991	Elaboration et mise en oeuvre d'un système informatique en mode interactif, afin de saisir et de traiter, au nom des clients, une information financière complète.
1991	Formation de la section des allocations familiales afin de servir les clients qui requièrent une attention prompte ou spéciale.
1991	Mise en place de services fiscaux complets pour les clients et les patrimoines dont les besoins sont particuliers.
1991	Prestation de services complets de banque et de gestion de la trésorerie, de services de dépôt de titres, de services de protection pour les biens matériels ayant une certaine valeur et de services de courtage.
1991	Mise en oeuvre d'un fonds commun de placement qui allait être géré au nom de tous les clients.

Décisions en matière de traitement

Le Bureau du curateur public exerce depuis 1987 un rôle dans les décisions en matière de traitement. À cause de la nouvelle *Loi sur le consentement au traitement*, le Tuteur et curateur public a vu son rôle s'accroître, comme décisionnaire de dernier ressort, en ce qui concerne les questions se rapportant aux soins médicaux, dentaires et psychiatriques. La Section des décisions relatives au traitement prend des décisions de ce genre au nom d'un client uniquement lorsque personne d'autre ne peut le faire à sa place. On croit que 5 000 personnes pourraient requérir chaque année des décisions relatives à leur traitement.

Lorsqu'elle prend de telles décisions, la Section des décisions relatives au traitement joue le rôle d'un profane informé et travaille en étroite collaboration avec les prestataires de soins médicaux et avec les professionnels semblables afin que les bonnes décisions soient prises.

Soutien logistique

La Section du soutien logistique exerce les fonctions internes qui sont essentielles si l'on veut assurer la qualité du service à la clientèle. Les principaux secteurs d'activité sont les suivants :

- ◆ Finances
- ◆ Technologie
- ◆ Soutien administratif
- ◆ Ressources humaines
- ◆ Communications

«Trop souvent, les gens ne deviennent nos clients qu'à cause de la mauvaise réparation pour les préjudices subis, et cela grâce à la protection des droits de nos clients.»

— Jay Chaffee

Services juridiques





«Ce n'est qu'en dernier
ressort que nous devenons
des dévotés au point
priorité est de faire en sorte
que les familles et les amis
puissent prendre les décisions
à leur place lorsque c'est
nécessaire. Cependant, si
une personne devient notre
client, alors il nous incombe
de lui fournir les services de
la meilleure qualité»
— Debbie Conley,
Directrice régionale
des services à la clientèle

Services à la clientèle

La Division des services à la clientèle se charge des dossiers des clients et des relations avec la clientèle. À l'heure actuelle, la Division est composée d'un groupe d'agents fiduciaires qui gèrent environ 16 000 patrimoines privés et successions en déshérence, dont la valeur totale est de 508 millions de dollars. Les principaux domaines d'activité sont les suivants :

- ◆ Administration des fonds en fiducie : cette section travaille avec les clients, leurs familles et les prestataires de soins; elle préserve et gère les actifs des clients; elle repère les cas d'exploitation financière et travaille avec les conseillers juridiques à la résolution de ces cas; enfin elle présente des demandes de règlement au nom des clients, et elle représente ceux-ci lorsqu'ils font l'objet de demandes semblables;
- ◆ Administration des actifs : cette section s'occupe des services de titres, ce qui comprend la perception des revenus et la vente des titres, et elle gère les biens immobiliers des clients;
- ◆ Enquêtes : cette section répertorie les actifs des clients et les garantit pour la protection des clients; elle se renseigne aussi auprès des clients et de leurs "réseaux sociaux".
- ◆ Le service des successions en déshérence : ce service administre les successions des personnes qui décèdent en Ontario sans testament ou sans parents adultes connus;
- ◆ Le service des sociétés dissoutes : ce service est chargé de recevoir, de détenir et de vendre les actifs des sociétés ontariennes qui sont dissoutes;
- ◆ Le service des oeuvres de bienfaisance : ce service a pour tâche de protéger les biens confiés aux organismes de bienfaisance, et à cette fin il exerce un contrôle sur les exécuteurs testamentaires, sur les curateurs et sur les 65 000 organismes de bienfaisance de l'Ontario;
- ◆ Le service des cimetières : ce service gère les investissements des fonds de soins perpétuels qui servent à l'entretien des cimetières de la province.

Services juridiques

La Division des services juridiques offre un soutien juridique aux autres sections, elle protège les droits des clients, elle gère quotidiennement les intérêts juridiques d'environ 15 000 clients de l'administration des fonds en fiducie et elle joue le rôle de représentant de dernier ressort pour les personnes qui sont parties à des procédures judiciaires, mais qui ne peuvent prendre elles-mêmes leurs décisions. Les autres services fournis comprennent :

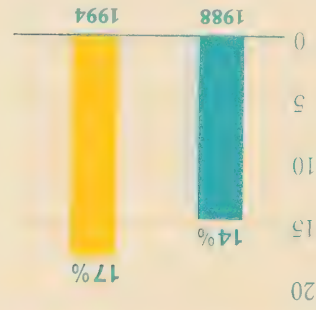
«Depuis sa création jusqu'à la fin des années 1970, le Bureau était un gestionnaire d'actifs, non un gestionnaire d'actifs. Aujourd'hui, non seulement il gère les actifs, mais, par surcroît, son travail comporte un

Et surtout, étant donné l'augmentation du nombre de clients vivant dans la collectivité, le Bureau a dû étudier non seulement la question des actifs financiers, mais encore la manière dont les décisions se rapportant aux actifs financiers influent sur la vie quotidienne des clients. Il est devenu évident que, dans une société en pleine évolution, les deux aspects ne pouvaient être maintenus séparés. En prévision du nouveau rôle que lui attribue la Loi sur la prise de décisions au nom d'autrui, le Bureau s'occupe aujourd'hui plus souvent des répercussions des décisions financières sur la vie quotidienne des intéressés.

Au fil des ans, les changements sociaux ont même forcé le Bureau à se concentrer davantage sur le client que sur son patrimoine. Et, à mesure que le client occupait l'avant-scène de nos préoccupations, il a fallu veiller à ce que nos services répondent aux normes les plus élevées possible.

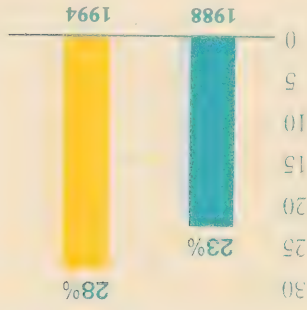
— Dennis Monahan

Pourcentage approximatif de clients âgés de 80 ans ou plus (1988 et 1994)



En accord avec les tendances démographiques de notre société, les clients du Bureau sont de plus en plus souvent des personnes âgées.

Pourcentage approximatif de clients vivant dans la collectivité (1988 et 1994)



En accord avec une tendance appelée à se maintenir, les clients du Bureau vivent de plus en plus dans la collectivité.

qui en ont résulté.

Le mandat du curateur public a toujours été le même.

existence, le Bureau du curateur public a vu ses tâches évoluer considérablement, surtout à cause des

transformations sociales survenues et des contraintes

frais de subsistance, étaient relativement faciles à gérer.

une situation évolua rapidement à la fin des années 1960 et durant les années 1970, lorsque la transformation radicale de la société ajouta de nouvelles contraintes aux

fonctions exercées par le Bureau. Par exemple :

ous ces changements ont eu des répercussions profondes sur le Bureau. Il a fallu accroître le service sur mesure et nouer des relations plus étroites avec la clientèle.

Quando una persona

est-elle incapable?

◆ accroître la responsabilité de ceux qui ont la charge d'adultes vulnérables ou

mentalement incapables;

◆ reconnaître le rôle des familles et des amis dans les décisions qui se rapportent à une personne.

En vertu de la Loi sur la prise de décisions au nom d'autrui, le Bureau du curateur public va devenir le Bureau du tuteur et curateur public et il va assumer d'importantes nouvelles

responsabilités. Dans les domaines où le curateur public n'exerçait que les fonctions d'un

fiduciaire chargé du patrimoine de son client, le nouveau Bureau aura pour tâches non

seulement d'administrer les patrimoines, mais encore d'exercer des tutelles ou de prendre, au

nom d'autrui, des décisions se rapportant aux soins de la personne (dans des domaines tels

que le logement, l'alimentation, l'habillement, l'hygiène, la sécurité personnelle et les soins

médicaux).

Au cours des douze derniers mois, l'équipe du projet de la prise de décisions au nom

d'autrui s'est appliquée, au sein du Bureau du curateur public, à élaborer les réglementations,

les politiques, les systèmes et les aménagements nécessaires pour l'entrée en vigueur de la

Loi. Elle a également entrepris la première étape d'une campagne d'information du public

dont l'objet était de sensibiliser le public à la nouvelle Loi.

Également, durant les douze prochains mois, tous les programmes de justice sociale du

ministère du Procureur général, y compris le Bureau du curateur public, seront regroupés

pour former un seul service au sein du ministère, service qui s'appellera la Division des

services de justice sociale. On mettra ainsi en relief l'importance qu'il convient d'accorder à

la qualité des services à la clientèle.

Le présent rapport a pour objectif de décrire les changements qui ont cours au sein de notre

organisation. Nous examinerons le mandat initial du curateur public et nous ferons le point

sur les défis qu'il devra relever lorsqu'il deviendra le Bureau du tuteur et curateur public.

Susan G. Himmel

La curatrice publique par intérim,

Susan G. Himmel

Mandat du curateur

public :

la fonction première

du Bureau du curateur

public consiste à gérer

les affaires financières

des personnes qui sont

incapables de le faire

elles-mêmes.

Le mandat du Bureau

peuvent compter sur

quelqu'un pour le faire

à leur place.



Le Bureau du curateur public de l'Ontario publie ce soixante-quatorzième rapport annuel à une époque où il est en train de se transformer et de se renouveler.

Ces dernières années, et surtout l'an dernier, le Bureau du curateur public a été réorganisé de fond en comble. Il s'est fixé de nouvelles normes de qualité pour ce qui est des services à la clientèle et il s'applique à mettre en place les systèmes qu'exige une charge de travail de plus en plus complexe, qu'il s'agisse de l'administration, du soutien logistique ou des ressources humaines. Par exemple :

- ◆ un nouveau système de données a été mis en place;
- ◆ le personnel a été augmenté, afin de rendre la charge de travail plus facile à gérer;
- ◆ de nouveaux programmes de formation et de perfectionnement du personnel ont été établis;
- ◆ de nouvelles normes de service ont été fixées pour chacun des secteurs d'activité;
- ◆ un pouvoir décisionnel a été délégué au personnel de première ligne afin de mieux servir la clientèle;
- ◆ de nouveaux rapports de travail ont été établis avec les responsables communautaires et les professionnels;
- ◆ de nouveaux partenariats ont été formés avec des fournisseurs de services financiers, fiscaux et immobiliers.

Le personnel et la direction ont travaillé ensemble à la conception et à la mise en oeuvre de tous ces changements. Nous avons maintenant une organisation plus performante, plus professionnelle et plus axée sur la clientèle qu'elle ne l'a jamais été, et en mesure de répondre aux normes rigoureuses du service à la clientèle.

Mais les changements survenus ne sont qu'un début, il y en aura d'autres.

Le programme relatif aux biens immatériels non réclamés sera appliqué en 1995. Les propriétaires légitimes pourront alors recouvrer, grâce à un service de récupération et de distribution géré par le Bureau, les sommes qui ont été perdues, abandonnées ou oubliées.

La Loi sur la prise de décisions au nom d'autrui entrera en vigueur au début de 1995. Avec la Loi sur l'intervention et la Loi sur le consentement au traitement, la Loi sur la prise de décisions au nom d'autrui fait partie d'un ensemble de nouvelles lois conçues pour :

- ◆ promouvoir les droits et l'autonomie de la personne;
- ◆ protéger contre les services, l'abandon et l'exploitation les personnes qui ne peuvent prendre elles-mêmes leurs décisions;

BUREAU DU
CURATEUR PUBLIC

SOIXANTE-QUATRIÈME

RAPPORT ANNUEL

31 MARS 1994





**Bureau
du
curateur
public**

Soixante-quatrième

rapport annuel

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